

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, AUGUST 13, 2012  
AGENDA

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BRIEFING	5ES	NOON
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

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**David Cossum, Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the Monday, June 18, 2012 Board of Adjustment Public Hearing Minutes	<b>M1</b>
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**HOLDOVER CASE**

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<b>BDA 112-069</b>	2728 Cedar Springs Road <b>REQUEST:</b> Application of Jonathan Vinson for a variance to the off-street parking regulations	1
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## EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C June 18, 2012 public hearing minutes.

**FILE NUMBER:** BDA 112-069

**BUILDING OFFICIAL'S REPORT:**

Application of Jonathan Vinson for a variance to the off-street parking regulations at 2728 Cedar Springs Road. This property is more fully described as Lot 1E in City Block 13/958 and is zoned PD-184 (Zone 1), which requires off-street parking to be provided. The applicant proposes to construct a structure for multifamily use and provide 1.5 of the required 2 off-street parking spaces per dwelling unit, which will require a variance to the required off-street parking regulations of 0.5 spaces per dwelling unit for a reduction of 25 percent.

**LOCATION:** 2728 Cedar Springs Road

**APPLICANT:** Jonathan Vinson

**REQUEST:**

- A variance to the applicable off-street parking regulations for the multifamily use of PD 184, Zone 1, is to according to an amended application (see Attachment B) “reduce the currently-required parking ratio for the “multiple family” (per PD 184) multifamily use from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit (including the 0.25 unassigned space per unit visitor parking” for a reduction of 25 percent from the currently-required parking ratio.” (The subject site is currently undeveloped).

**STAFF RECOMMENDATION:**

Rationale:

- The applicant had not substantiated the following:
  - a. how a literal enforcement of the code provisions would result in unnecessary hardship (the parking standard requested to be varied was specifically adopted by Council for this specific development site in May of 2008);
  - b. 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 PD 184 (Zone 1) zoning district (the subject site is the only parcel of land with this zoning);
  - c. nor how the variance is not needed to relieve a self-created or personal hardship, nor for financial reasons only.
- Neither the site's slope nor its irregular shape preclude the applicant from developing the subject site in compliance with the off-street parking regulations of PD 184 (Zone 1) - the only parcel of land with this zoning classification with a



specific set of development standards adopted in 2008 for this specific development site.

- The Sustainable Development and Construction Department Engineering Division Assistant Director recommends that this request be denied commenting “Engineering agrees with the parking analysis as submitted but does not support this parking variance as the vehicle to reduce required parking within this PD. No special conditions are evident that would result in an unnecessary hardship on the property if the PD was enforced. It was because of the “public interest” that the parking requirements within PD 184 were created.”

**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.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 184 (Zone 1) (Planned Development)  
North: PD 193 (PDS 61) (Planned Development, Planned Development)  
South: PD 193 (PDS 61) (Planned Development, Planned Development)  
East: PD 184 (Zone 1) (Planned Development)  
West: PD 193 (HC) (Planned Development, Heavy Commercial)

**Land Use:**

The subject site is undeveloped. The area to the north is the Katy Trail; the areas to the east, south, and west are mostly developed with multifamily uses.

**Zoning/BDA History:**

This tract of Planned Development No. 284 was amended on May 28, 2008 to require a minimum of two parking spaces per multifamily dwelling unit. There has not been any

recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

**Timeline:**

- April 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.
- May 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 17, 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 25, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded an amended application and Building Official's Report to the Board Administrator (see Attachment A).
- June 5, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Board Administrator, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- June 6, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded an amended application and Building Official's Report to the Board Administrator (see Attachment B).
- June 7, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked "Recommends that this be denied" commenting "Engineering agrees with the parking analysis as submitted but does not support this parking variance as the vehicle to reduce required parking within this PD. No special conditions are

evident that would result in an unnecessary hardship on the property if the PD was enforced. It was because of the “public interest” that the parking requirements within PD 184 were created.”

- June 8, 2012: The applicant forwarded additional information beyond what was submitted with the original application and beyond what was discussed at the June 5<sup>th</sup> staff review team meeting (see Attachment C).
- June 18, 2012: The Board of Adjustment Panel C conducted a public hearing on this application and delayed action until their next public hearing to be held on August 13, 2012.
- July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director emailed the Board Administrator responses for applications to be heard in August but stated that in the email that “our response for the holdover case 112-069 stays the same.”
- 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 3, 2012: The applicant forwarded additional information beyond what was submitted with the original application, at the June 18<sup>th</sup> hearing, and at the July 31<sup>st</sup> staff review team meeting (see Attachment D).

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

- This request focuses on reducing the parking ratio for the “multiple family”/ multifamily use required in PD 184 from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit, including the 0.25 unassigned space per unit visitor parking, for a reduction of 25 percent from the ordinance required parking ratio on a site is currently undeveloped.
- The subject site is zoned PD 184, Zone 1. The subject site is the only property zoned PD 184 (Zone 1); and only one of two properties in PD 184 (the other PD 184-zoned property being located in Zone 2). The parking standards requested to be varied were adopted as part of a zoning amendment that increased height on a portion of the subject site from 196 feet to 299 feet while restricting height on other portions of the site. These amendments were adopted by City Council in May of 2008 and impacted only this specific development site.

- The parking standards adopted as part of the 2008 PD 184 zoning amendment are as follows: a minimum of two off-street parking spaces is required for each dwelling unit, with at least 0.25 of the off-street parking spaces left unassigned for guest parking. Compact parking spaces are prohibited.
- The applicant has submitted an amended application for a variance to the applicable off-street parking regulations for the multifamily use of PD 184, Zone 1 (see Attachment B). The applicant's revised application states that the application is made "to reduce the currently-required parking ratio for the "multiple family" (per PD 184) multifamily use from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit (including the 0.25 unassigned space per unit visitor parking) for a reduction of 25 percent from the currently-required parking ratio."
- 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 required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; 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.
- However, Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *shall not* grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.
- Therefore, because PD 184 expressly specifies the number of off-street parking spaces for multifamily uses, this request to reduce the off-street parking regulations in PD 184 from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit, including the 0.25 unassigned space per unit visitor parking, for a reduction of 25 percent the applicant may only apply for a *variance* and only the variance standard applies.
- The subject site has some slope. The site slopes down to Cedar Springs as it crosses under the Katy Trail but is primarily flat from Carlisle back to the Katy Trail.
- The subject site is not strictly rectangular so could be considered somewhat irregular in shape and, according to the application, 2.3 acres in area, which is larger than Zone 2 of Planned Development No. 184 that was developed in 1985.
- DCAD records indicate "no improvements" for property at 2728 Cedar Springs Road.
- On June 8, 2012, the applicant submitted additional information for the board's consideration beyond what was submitted with the original application (see Attachment C).

- On August 3, 2012, the applicant submitted additional information for the board's consideration beyond what was submitted with the original application, at the June 18<sup>th</sup> hearing, and at the July 31<sup>st</sup> staff review team meeting (see Attachment D).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking regulations of will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 184 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 PD 184 zoning classification.
- Given that the City Council approved amendments to PD 184 to require 2 off-street parking spaces per multifamily dwelling unit for development on this specific tract as recent as May 28, 2008, staff believes the appropriate forum for this request is an application for a zoning amendment to the parking requirements in PD 184.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that his response made on June 7<sup>th</sup> stays the same - a review comment sheet marked "Recommends that this be denied" commenting "Engineering agrees with the parking analysis as submitted but does not support this parking variance as the vehicle to reduce required parking within this PD. No special conditions are evident that would result in an unnecessary hardship on the property if the PD was enforced. It was because of the "public interest" that the parking requirements within PD 184 were created."

**BOARD OF ADJUSTMENT ACTION: JUNE 18, 2012**

**APPEARING IN FAVOR:** Jonathan Vinson, 901 Main Street, Dallas, TX

**APPEARING IN OPPOSITION:** Frank Stich, 4224 N Hall St., Dallas, TX

**MOTION:** Richard

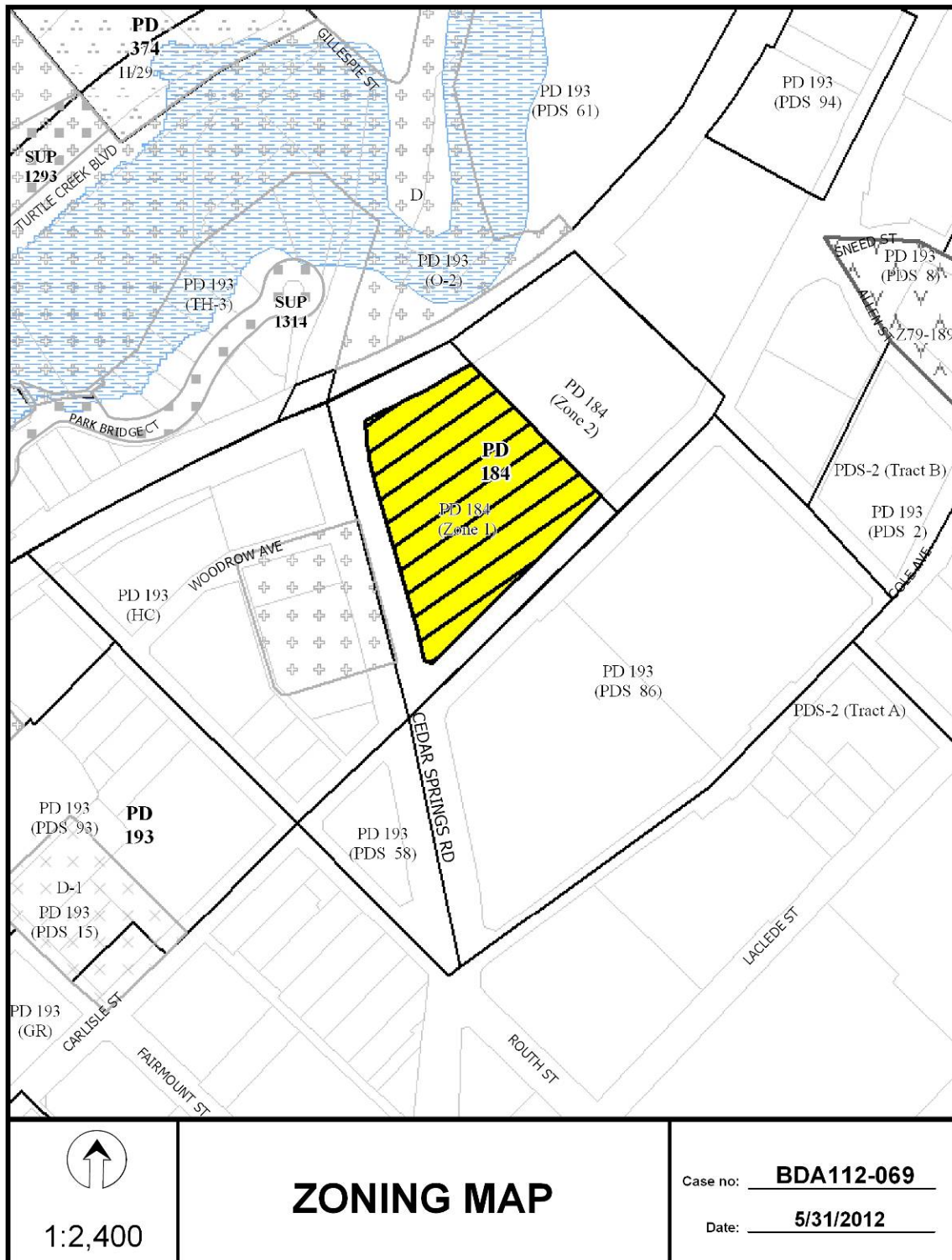
I move that the Board of Adjustment, in Appeal No. **BDA 112-069**, hold this matter under advisement until **August 13, 2012**.

**SECONDED:** Coulter

**AYES:** 3–Coulter, Richard, Duarte

**NAYS:** 2 – Richardson, Maten

**MOTION PASSED:** 3– 2



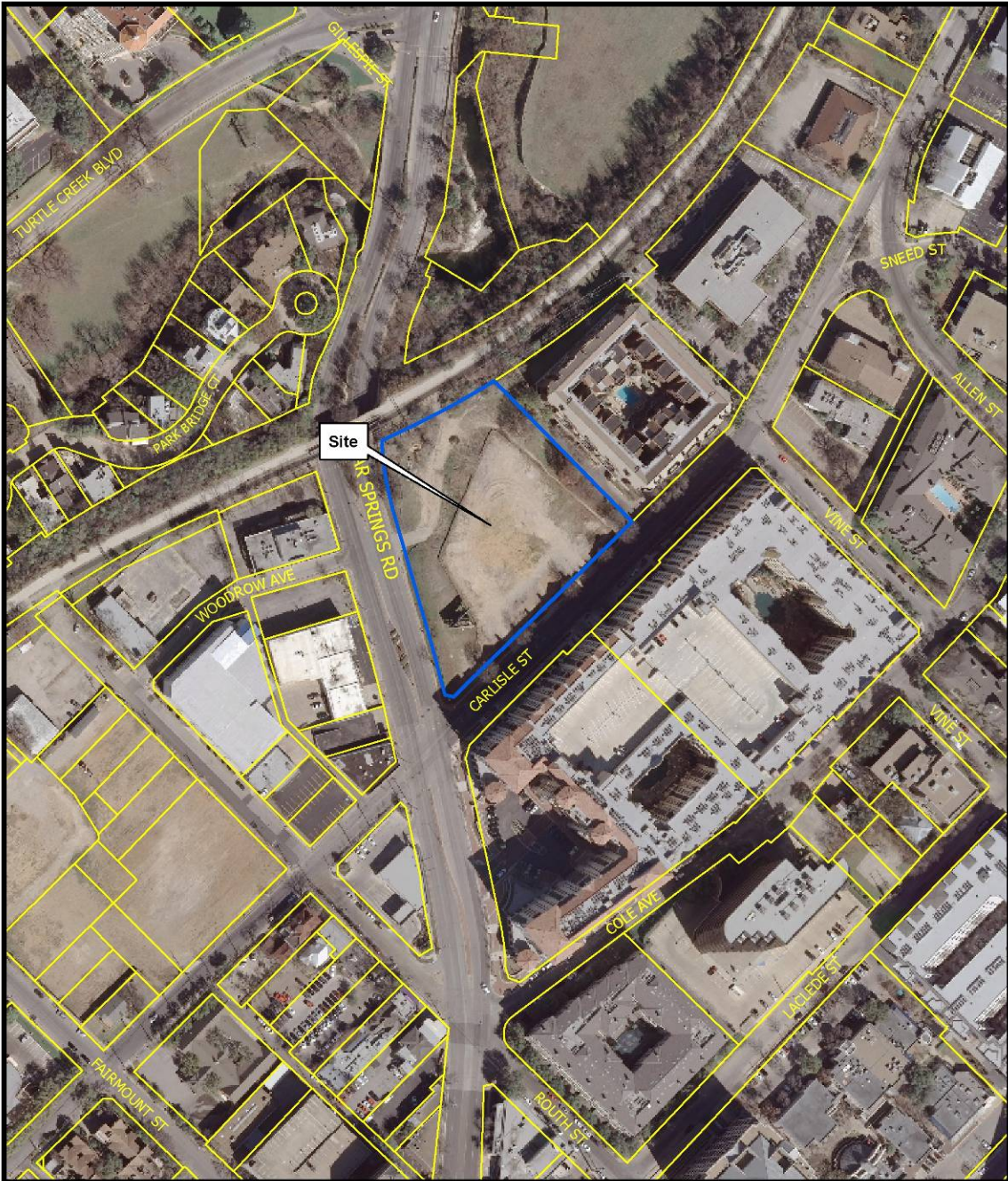
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# ZONING MAP

Case no: **BDA112-069**

Date: **5/31/2012**





1:2,400

# AERIAL MAP

Case no: **BDA112-069**

Date: **5/31/2012**



City of Dallas

BDA 112 - 069

Attach A  
pg 1

C,  
1

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-069

Data Relative to Subject Property:

Date: 4-27-12

Location address: 2728 Cedar Springs Road Zoning District: P.D. 184

Lot No.: 1E Block No.: 13/958 Acreage: 2.3085 acres Census Tract: 0018.00

Street Frontage (in Feet): 1) 203.43 2) 384.13 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

SW 22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: JLB 2728 Cedar Springs L.P.

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

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

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

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

Affirm that a request has been made for a Variance to the applicable of-street parking regulations for the multifamily use of P.D. 184, Zone 1, to be governed by the same multifamily parking regulations as in the Oak Lawn Special Purpose District (P.D. 193), Sec. 51P-193.107(a)(3)(C). The proposed reduction is based on a conceptual maximum unit count of 395 dwelling units, creating a reduction from 790 spaces required to 593 spaces provided for a maximum reduction of 197 spaces; provided that the actual final dwelling unit count may be adjusted, in which case the original and requested parking requirements will be calculated based on such actual final dwelling unit count, with parking to be required and provided pursuant to Sec. 51P-193.107.(a)(3)(C). The number of spaces varied will not exceed 197 based on the actual final dwelling unit count.

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:

JBV  
5/22/12

Granting of the requested variance will not be contrary to the public interest; and owing to special conditions, 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 because of restrictive property conditions which would otherwise prevent its development in a manner commensurate with other parcels. The requested variance 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: Jonathan G. Vinson  
Applicant's name printed

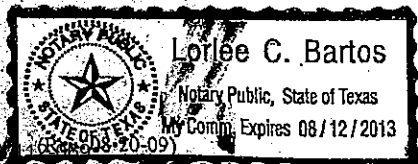
Jonathan G. Vinson  
Applicant's signature

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 27 day of April, 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 Jonathan Vinson

did submit a request for a variance to the parking regulations at 2728 Cedar Springs Road

BDA112-069. Application of Jonathan Vinson for a variance to the parking regulations at 2728 Cedar Springs Road. This property is more fully described as lot 1E in city block 13/958 and is zoned PD-184 (Zone 1), which requires parking to be provided. The applicant proposes to construct a residential structure for multifamily use with a maximum of 395 dwelling units and provide 593 of the 790 parking spaces required by the ordinance which will require a 197 space variance to the parking regulation.

Sincerely,

Lloyd Denmark, Building Official

BDA 112-069  
Attach B  
p 1



**APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT**  
(Amendment to Application originally filed on April 27, 2012)

Case No.: BDA 112-069

**Data Relative to Subject Property:**

Date: April 27, 2012

Location address: 2728 Cedar Springs Road Zoning District: P.D. 184

Lot No.: 1E Block No.: 13/958 Acreage: 2.3085 acres Census Tract: 0018.00

Street Frontage (in Feet): 1) 203.43 2) 384.13 3) 4) 5)

**To the Honorable Board of Adjustment :**

Owner of Property/or Principal: JLB 2728 Cedar Springs L.P.

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

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

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

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

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

To the applicable off-street parking regulations for the multifamily use of P.D. 184, Zone 1, to reduce the currently-required parking ratio for the "multiple-family" (per P.D. 184)/multifamily use from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit (including the 0.25 unassigned space per unit visitor parking), for a reduction of 25 percent from the currently-required parking ratio.

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, 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 because of restrictive property conditions which would otherwise prevent its development in a manner commensurate with other parcels. The requested variance 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: Jonathan G. Vinson  
Applicant's name printed 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 5th day of June 2012

Donna Pinkerton  
Notary Public in and for Dallas County, Texas



(Rev 08-20-09) 8120097v1

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied \_\_\_\_\_

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

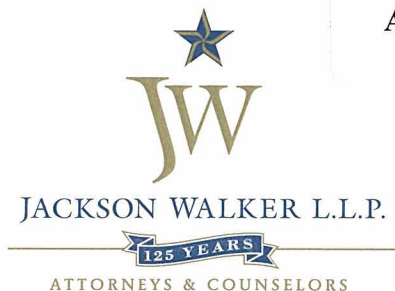
I hereby certify that Jonathan Vinson

did submit a request for a variance to the parking regulations  
at 2728 Cedar Springs Road

BDA112-069. Application of Jonathan Vinson for a variance to the parking regulations at 2728 Cedar Springs Road. This property is more fully described as lot 1E in city block 13/958 and is zoned PD-184 (Zone 1), which requires parking to be provided. The applicant proposes to construct a residential structure for multifamily use with a maximum of 395 dwelling units and provide 25% less parking than required by the ordinance which will require a variance to the parking regulation.

Sincerely,

  
Lloyd Denman, Building Official



Jonathan G. Vinson  
214-953-5941  
jvinson@jw.com

June 8, 2012

**Via Scan/Email**

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

Re: BDA 112-069; 2728 Cedar Springs Road

Dear Members of Panel C:

***I. Introduction.*** We represent the property owner in this case, JLB 2728 Cedar Springs, LP, in its request to the Board of Adjustment for a variance to the applicable off-street parking regulations. We are sending you this letter in advance of our hearing on June 18 to explain and support our position with regard to our request for a 25 percent parking reduction (from 2.0 spaces per unit to 1.5 spaces per unit) and to the property hardship factors present at this site.

***II. The Current Parking Requirement is Excessive.*** The current zoning on the property is P.D. 184, Zone 1. The current zoning was amended in 2008 in contemplation of what was then proposed to be a luxury hotel with some associated retail uses and up to 90 associated multifamily dwelling units. It is very important to note that these 90 multifamily dwelling units were specifically proposed to be luxury condominium dwelling units associated with the then-proposed hotel. The average size of these condominium units was projected to be approximately 2,500 square feet, extremely large for multifamily dwelling units, whether for rent or for sale.

The required parking ratio specified for these multifamily dwelling units is 2.0 parking spaces per unit (*see* Sec. 51P-184.113(a)(6) of P.D. 184, copy attached). This is an extremely high parking ratio for multifamily, far in excess either of what is required for any of the surrounding developments, or what the market demands, and was specific to the fact that these were to be very large units, projected to be sold to households who would be assumed to own and park two vehicles per household. That particular hotel project did not occur due to the recent severe recession, and the property is now owned by the applicant, who wishes to build a high quality, but more typical, urban multifamily residential development.

**III. The Actual Parking Demand is Less.** As demonstrated in our June 4, 2012, DeShazo Group parking demand study (attached), the appropriate parking requirement for the type of project proposed is *at most* 1.5 spaces per dwelling unit. In fact, this standard to which we propose to be conditioned is the same as that of P.D. 193, the Oak Lawn Special Purpose District, for multifamily projects which exceed 36 feet in height. Therefore, *all we are asking for is a 25 percent reduction from the extraordinarily high standard previously required for the very large luxury condominium units, and instead to be covered by the same multifamily parking standard that applies to most of the surrounding multifamily developments.*

The parking study demonstrates that the *actual* parking demand, per numerous studies, is one space per bedroom, so we will actually have a parking *surplus* at 1.5 spaces per unit, given the projected unit mix. Please also note that *the City of Dallas itself is proposing a one space per bedroom standard for multifamily*, as proposed by the Zoning Ordinance Committee, and by the City Plan Commission on January 19, 2012, and pending before the City Council.

Further, we are not asking for any other changes to the already-approved Development Plan, which the applicant will work within to construct this development. The parking for the proposed multifamily project will be contained within the perimeter of the building footprint as shown on the current approved Development Plan, and will all be below grade, as required in P.D. 184, Zone 1. In addition, the surrounding properties are either commercial properties or other medium- or high-density multifamily developments.

**IV. Reason for Variance Request.** We have to ask for a variance for this parking reduction, rather than a special exception, under Sec. 51A-4.311(a)(6), because the parking ratio is specified in the P.D. However, *we do meet all of the standards for approval of a variance, as shown below.*

**A. Property Hardship Conditions.** The property has a number of *property hardship characteristics* which should be considered in support of our variance request. These include the following:

(1) The site is clearly *very irregular in shape*, as you can see from the attached P.D. 184 Exhibits and our highlighted submitted Site Plan (attached);

(2) The site has *significant elevation change*, as you will see from the attached site photos and the topography lines on Exhibit 184A;

(3) The site also has *severe geotechnical challenges*, including dense limestone which comes very close to the surface on some portions of the site, according to the applicant's *Geotechnical Exploration Report*, prepared by Fargo Consultants, Inc., and dated April, 2012, which makes development of the site much more physically challenging, especially if construction of another underground level of parking is required;

(4) The site has *Katy Trail adjacency* on the west. While the Katy Trail is obviously an amenity for this property and the surrounding properties, it also causes development of the property to take into strong consideration the presence of the Trail, and

“pull back” from the Trail to some extent, as memorialized in the approved Development Plan; and

(5) The *approved Development Plan* itself is a property condition which restricts development on the site to that which is already shown and approved on the Development Plan.

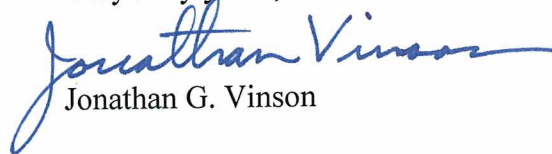
**B. The Request Meets All of the Other Variance Standards.** In addition, this variance request is certainly *not contrary to the public interest*, but will instead permit high quality development and reuse of this vacant site in the middle of Uptown rather than it continuing to sit vacant due to fallout from the recent recession, and will allow development of this site in a *manner commensurate with all of the surrounding multifamily development*. Also attached are an aerial photo and several site photos for your information to illustrate the foregoing points.

**C. Necessary for Commensurate Development.** We have also researched the multifamily parking requirements for all of the surrounding multifamily projects, many of which are recently built, and in every instance their parking requirement for multifamily is either the same as, or even less than, what we are asking for (see Comparison Table, attached). This clearly goes straight to the “commensurate development” element of the standard.

**D. Clearly “Not Contrary” to the Public Interest.** It would not be good public policy to continue the imposition of an excessively high (at least 33 percent higher than what is required under any reasonable analysis) parking standard. The property hardships which are described above are also not in any way self-created, and the variance request is not made for financial reasons only, but rather to respond to the site conditions and the excessively high multifamily parking requirement imposed by the current zoning.

**IV. Conclusion; Request for Approval.** We ask that you consider all of these factors in your deliberations on our variance request, and will respectfully ask at our hearing that you approve our request. Thank you very much for your consideration.

Very truly yours,

  
Jonathan G. Vinson

cc: Paul Johnston  
Scott Sherwood  
Britton Church  
Steve Stoner  
Jeff Smith  
Susan Mead

## List of Attachments

1. P.D. 184 and Exhibits (Zone 2 parking requirement highlighted).
2. DeShazo Group Parking Demand Study.
3. Submitted Site Plan (highlighted to show irregular shape of site).
4. Parking Comparison Chart (commensurate development in immediate area, as shown on accompanying Zoning Map).
5. Aerial Photos.
6. Site photos.

**ARTICLE 184.**

**PD 184.**

**SEC. 51P-184.101. LEGISLATIVE HISTORY.**

PD 184 was established by Ordinance No. 18445, passed by the Dallas City Council on October 31, 1984. Ordinance No. 18445 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 18445 was amended by Ordinance No. 18643, passed by the Dallas City Council on March 27, 1985; Ordinance No. 22098, passed by the Dallas City Council on June 22, 1994; and Ordinance No. 23975, passed by the Dallas City Council on August 11, 1999. (Ord. Nos. 10962; 18445; 18643; 22098; 23975; 25508; 27195)

**SEC. 51P-184.102. PROPERTY LOCATION AND SIZE.**

PD 184 is established on property generally located at the northeast corner of Carlisle Street and Cedar Springs Road. The size of PD 184 is approximately 3.9785 acres. (Ord. Nos. 18445; 25508; 27195)

**SEC. 51P-184.103. ZONE 1 PURPOSE.**

The Zone 1 standards complement the development pattern in the area and recognize the area's unique identity as a bridge between Oak Lawn and the Turtle Creek Corridor. The objectives of these standards are as follows:

- (1) To promote the health, safety, welfare, convenience, and enjoyment of the public.
- (2) To achieve buildings more urban in form.
- (3) To promote a pedestrian environment that connects to public open space.
- (4) To encourage development that complements nearby properties.
- (5) To encourage the placement of off-street parking underground.
- (6) To achieve buildings efficient in design and use of space while providing view corridors, light, and air to nearby properties.
- (7) To achieve buildings that reduce natural resource consumption, enhance occupant comfort and health, lower utility consumption, minimize strain on local infrastructures, and improve quality of life.
- (8) To create development flexibility that promotes active pedestrian use. (Ord. 27195)

**SEC. 51P-184.104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. In Zone 1 of this district,



(1) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of the structure. Finished ground surface elevation does not include landscape features, berms, or other fill material.

(2) HEIGHT means the vertical distance measured from grade to the highest point of the structure.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. Nos. 25508; 27195)

**SEC. 51P-184.105. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit 184A). The conceptual plan divides the Property into Zones 1 and 2. (Ord. Nos. 18643; 23975; 25508; 27195)

**SEC. 51P-184.106. DEVELOPMENT PLAN.**

(a) Zone 1. Development and use of Zone 1 must comply with the development plan (Exhibit 184B). If there is a conflict between the text of this article and the development plan, the text of this article controls. If there is a conflict between the conceptual plan and the development plan, the development plan controls.

(b) Zone 2. Within six months of the date of the passage of Ordinance No. 18445, as amended, a detailed development plan for either the entire PD, or a designated first phase of development, must be submitted to the city plan commission for approval prior to the issuance of a building permit for the Property. The detailed development plan must comply with the conceptual plan and this article. If a development plan is submitted for a designated first phase of development only, a subsequent development plan must be submitted for each subsequent phase of development. Each subsequent development plan must comply with the conceptual plan and must be approved by the city plan commission prior to the issuance of a building permit for that phase of development. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.107. PERMITTED USES.**

The only permitted uses on the Property are as follows:

(1) Zone 1.

(A) Except as provided in this paragraph, all uses permitted in an O-2 Office District, including “limited uses” and a maximum of 25,000 square feet of floor area of bar and restaurant uses and retail uses (with separate entrances allowed from the motor court only).

(B) The following main uses are limited to Area A only:

-- Residential uses other than hotel and motel.

(C) The following main use is prohibited:

-- Office.

(2) Zone 2. Residential uses, including hotel and motel uses, allowed in the MF-3 Multiple-Family District. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.108. MAXIMUM PERMITTED HEIGHTS.**

(a) Except as provided in this subsection, maximum permitted height for Zone 1 is:

(1) For parking structures, 15 feet to accommodate the slope of the lot. That portion of a parking structure above ground must be screened in accordance with Section 51P-184.118.

(2) For fences located within the required setback abutting the Katy Trail, eight feet.

(3) For all other structures, as follows:

(A) Area A: 60 feet.

(B) Area B: 95 feet.

(C) Area C: 299 feet.

(b) Maximum permitted height for Zone 2 is 100 feet. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.109. FLOOR AREA.**

(a) Maximum permitted floor area for all buildings in Zone 1 combined is 426,000 square feet.

(b) Maximum permitted floor area for all buildings in Zone 2 is 138,000 square feet.

(c) Total maximum floor area for all buildings on the Property is 564,000 square feet. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.110. MAXIMUM LOT COVERAGE.**

(a) Maximum lot coverage in Zone 1 is 71 percent (excluding parking structures).

(b) Maximum lot coverage in Zone 2 is 60 percent (excluding parking structures). (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.111. SETBACKS.**

(a) In general. Setbacks are measured from the existing right-of-way lines and are shown on the conceptual plan for all buildings and structures in this PD.

(b) Zone 1.

(1) Minimum front yard is 25 feet on Cedar Springs Road and 22 feet on Carlisle Street.

- (2) Minimum rear yard from the Katy Trail right-of-way is 25 feet.
- (3) Minimum side yard is 20 feet.
- (c) Zone 2.
  - (1) Minimum front yard is 25 feet.
  - (2) Minimum rear yard is 10 feet.
  - (3) Minimum side yard is 10 feet (except that, along the line dividing Zone 2 from Zone 1, the setback is zero). (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.112. SIGNS.**

(a) Except as provided in this subsection, in Zone 1, all signs must comply with the sign provisions for business zoning districts in the Dallas Development Code.

- (1) Attached signs.
  - (A) Attached signs may not be higher than 125 feet above grade.
  - (B) Attached signs may not face the Katy Trail.
  - (C) Maximum effective area for all attached signs is 750 square feet.
- (2) Non-premise signs. Non-premise signs are prohibited.
- (3) Detached monument signs.
  - (A) Detached signs must be monument signs.
  - (B) Detached monument signs may only face Carlisle Street.
  - (C) The maximum height of a detached monument sign is 15 feet.

(b) In Zone 2, all signs must comply with the sign provisions for non-business zoning districts in the Dallas Development Code. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.113. PARKING.**

**(a) Zone 1.**

- (1) For office uses, one off-street parking space per 370 square feet of floor area of office use is required.
- (2) For retail uses, one off-street parking space per 200 square feet of floor area of retail use is required.

(3) For residential uses, one off-street parking space per 500 square feet of floor area of residential use is required. (See the following paragraphs for the requirements for hotel and motel and multiple-family uses.)

(4) For hotel and motel uses, one off-street parking space is required for each unit for units one to 250; 3/4 spaces for each unit for units 251 to 500; and 1/2 space for all units over 500. No off-street parking is required for accessory meeting rooms.

(5) For bar and restaurant uses, a bar and restaurant use in conjunction with a hotel/motel use requires one off-street parking space for each 200 square feet of floor area; otherwise, a bar and restaurant use requires one space for each 100 square feet of floor area.

(6) For multiple-family uses, a minimum of two off-street parking spaces is required for each dwelling unit, with at least 0.25 of the off-street parking spaces left unassigned for guest parking. Compact parking spaces are prohibited.

(7) Except as provided in this subsection, for all other uses, off-street parking must be provided in accordance with Chapter 51.

(8) Except for 25 parking spaces, all off-street parking spaces must be provided below grade.

(9) Except for multiple-family uses, a property owner may charge a fee on a daily, hourly, or other basis for the use of required off-street parking.

(b) Zone 2.

(1) For office uses, one off-street parking space per 370 square feet of floor area of office use is required.

(2) For retail uses, one off-street parking space per 200 square feet of floor area of retail use is required.

(3) For residential uses, one off-street parking space per 500 square feet of floor area of residential use is required. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.114. OFF-STREET LOADING.**

The off-street loading required for Zone 1 is as set forth in Chapter 51, except that all off-street loading may be medium or small size spaces with a minimum of one space being of medium size. Bar and restaurant uses in Zone 1 operated in conjunction with hotel and motel uses will be considered as hotel and motel floor area for off-street loading and will not be considered as a separate use for this purpose. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.115. ACCESS.**

(a) Zone 1. Except as provided in Section 51P-184.120, there must be no vehicular access to the Property from Cedar Springs Road, or to Cedar Springs Road from the Property, except by right turn movements.

(b) Zone 2. There must be no vehicular access to the Property from Cedar Springs Road, or to Cedar Springs Road from the Property, except by right turn movements. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.116. RESIDENTIAL REQUIREMENT.**

A minimum of 97,393 square feet of floor area of residential uses must be built on the Property before a certificate of occupancy will be issued for any nonresidential use on the Property. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.117. CONSTRUCTION STANDARDS.**

(a) The following conditions apply to the construction of the development.

(b) Any glass used in any structure on the Property must not exceed 27 percent reflectivity in accordance with standards of the American Society of Testing Manufacturers.

(c) Any aboveground parking structures must have an exterior material that is consistent, in the opinion of the building official, with the exterior material of the main nonresidential buildings. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.118. LANDSCAPING AND SCREENING.**

(a) Zone 1.

(1) In general. Except as provided in this section, landscaping must comply with the approved landscape plan (Exhibit 184C).

(2) Timing. Except as provided in this paragraph, landscaping must be provided in accordance with the landscape plan before the final inspection of any structure in Zone 1. If development is in phases, the landscaping for each phase must be provided in accordance with the landscape plan before the final inspection in that phase.

(3) Tree mitigation. Tree mitigation and preservation must be provided in accordance with Article X.

(4) Minor amendment. A minor amendment to the landscape plan is not required for relocation of up to four trees.

(5) Screening. Except ingress and egress points, parking and loading spaces must be screened from view from the street by walls and landscaping.

(6) Sidewalks. In addition to the Katy Trail access requirement in Section 51P-184.121, a minimum eight-foot-wide unobstructed sidewalk must be provided along Cedar Springs Road as shown on the landscape plan.

(7) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive

purpose of authorizing compliance with the parkway landscaping, the Katy Trail access, and the Katy Trail landscaping requirements of this article. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installation in the public rights-of-way to the satisfaction of the director of public works and transportation.

(B) An owner or tenant is not required to comply with any landscaping requirements to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(8) Parkway landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(C) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a parkway landscape permit.

(D) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(E) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(b) Zone 2. Surface parking must be screened from view from the street by walls and/or landscaping. A detailed landscape plan using the guidelines of the Oak Lawn Forum Plan must be approved by the city plan commission on or before the time of approval of each phase of the detailed development plan. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.119. ZONE 1 ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI.

(b) LEED certification.

(1) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development of a new structure within Zone 1, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional. A building permit may not be issued unless the building official determines that the project is consistent with the standards and criteria for a LEED certified designation.

(2) If during development within Zone 1, the developer is unable to achieve all of the green building rating system points identified on the checklist set forth in Paragraph (1), the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(3) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 points).

(4) LEED certification is only required for new structures within Zone 1. If an existing building is being repaired, renovated, or expanded, LEED certification is not required. (Ord. 27195)

**SEC. 51P-184.120. TRAFFIC IMPROVEMENTS.**

(a) Before a certificate of occupancy is issued for any nonresidential use other than a bar or restaurant, the following conditions must have occurred.

(1) A 10-foot-wide deceleration lane on Cedar Springs Road into the Property must be constructed.

(2) An additional 10-foot-wide lane for right turn movements from Carlisle Street onto Cedar Springs Road must be constructed for a length of at least 100 feet from the corner.

(b) Except as provided in Subsections (c) and (d), there shall be no vehicular access by left turn to the Property from Cedar Springs Road or to Cedar Springs Road from the Property.

(c) Zone 1. If Zone 1 of the Property is developed with a hotel and motel and related uses or bar or restaurant uses, vehicular access by left turn onto Zone 1 from Cedar Springs Road is permitted if a lane for left turn movements from southbound Cedar Springs Road onto Zone 1 is constructed. If such a left turn lane is constructed, the curb cut for a driveway from Zone 1 to Cedar Springs Road must be enlarged to at least 14 feet and a median must be constructed in the driveway to prevent left turns from Zone 1 onto southbound Cedar Springs Road.

(d) Zone 2. If the Property is developed with a hotel, motel, and related uses and/or bar or restaurant uses, vehicular access by left turn onto the Property from Cedar Springs Road is permitted if a lane for left turn movements from southbound Cedar Springs Road onto the Property is constructed. If such a left turn lane is constructed, the curb cut for a driveway from the Property to Cedar Springs Road must be enlarged to at least 30 feet and a median must be constructed in the driveway to prevent left turns from the Property onto southbound Cedar Springs Road. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.121. KATY TRAIL.**

Before the issuance of a certificate of occupancy in Zone 1, public access must be provided from Zone 1 to the Katy Trail via sidewalk, bridge, or easement and must have a minimum unobstructed width of 10 feet. Plans and specifications for the connection to the Katy Trail must be approved by the director of parks and recreation before its construction. (Ord. 27195)

**SEC. 51P-184.122. GENERAL REQUIREMENTS.**

(a) Development of this PD must comply with the requirements of all ordinances and regulations of the city.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(c) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

(d) If a building permit is not issued to authorize work within Zone 1 by December 31, 2009, the director shall notify the commission and the commission shall call a public hearing to determine proper zoning.



(e) A certificate of occupancy or a final inspection for a residential use other than hotel and motel must be issued in Zone 1, Area A before or simultaneously with a certificate of occupancy for hotel and motel uses in Zone 1. (Ord. Nos. 23975; 25508; 26102; 27195)

**SEC. 51P-184.123. ZONING MAP.**

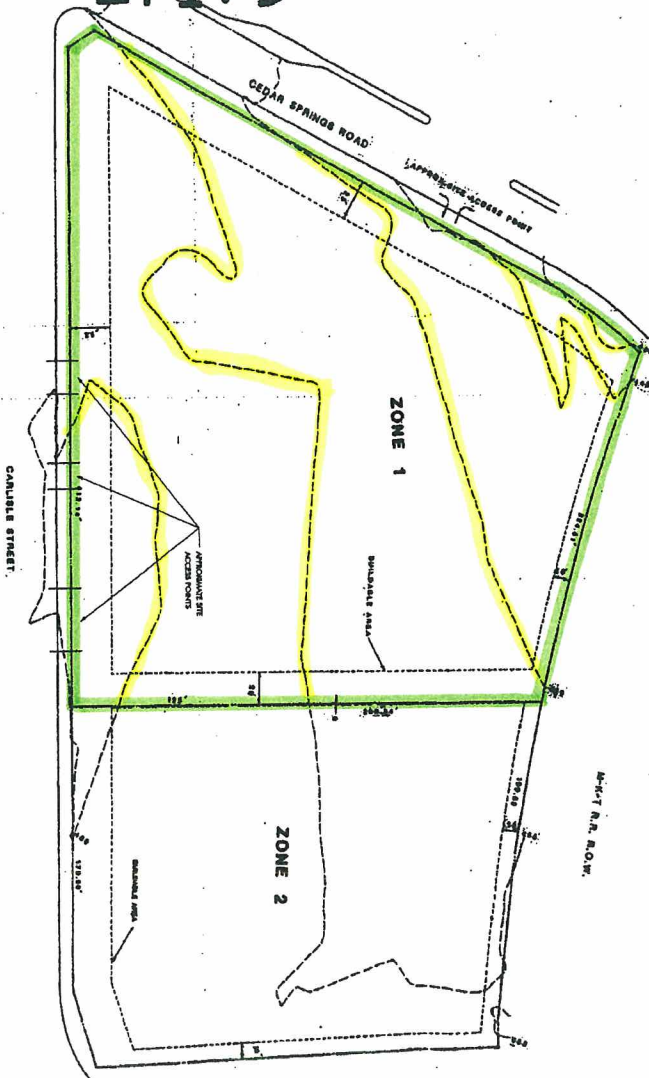
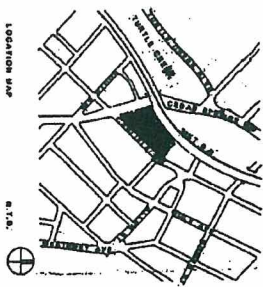
PD 184 is located on Zoning Map No. I-7. (Ord. Nos. 18445; 25508; 27195)

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Exhibit 184A

27195

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Planned Development  
District No. 184

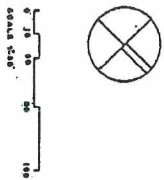
**LEGEND**

**ZONE 1**

- LAND AREA: 44,406 SQ. FT.
- REGULATED LIMITATIONS: 44,406 SQ. FT.
- CONTRACTS: NOT TO EXCEED 75%.
- ADDITIONS: 20% PER EXISTING CONTRACT AREA OF EXISTING CONTRACTS TO BE ADDED TO EXISTING CONTRACTS PER THE EXISTING CONTRACTS OR EXISTING CONTRACTS.
- REVISIONS: 10% PER EXISTING CONTRACT AREA OF EXISTING CONTRACTS TO BE ADDED TO EXISTING CONTRACTS PER THE EXISTING CONTRACTS OR EXISTING CONTRACTS.
- OFF-STREET PARKING: 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA. 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA.
- REVISIONS: 10% PER EXISTING CONTRACT AREA OF EXISTING CONTRACTS TO BE ADDED TO EXISTING CONTRACTS PER THE EXISTING CONTRACTS OR EXISTING CONTRACTS.

**ZONE 2**

- LAND AREA: 44,406 SQ. FT.
- REGULATED LIMITATIONS: 44,406 SQ. FT.
- CONTRACTS: NOT TO EXCEED 75%.
- ADDITIONS: 20% PER EXISTING CONTRACT AREA OF EXISTING CONTRACTS TO BE ADDED TO EXISTING CONTRACTS PER THE EXISTING CONTRACTS OR EXISTING CONTRACTS.
- REVISIONS: 10% PER EXISTING CONTRACT AREA OF EXISTING CONTRACTS TO BE ADDED TO EXISTING CONTRACTS PER THE EXISTING CONTRACTS OR EXISTING CONTRACTS.
- OFF-STREET PARKING: 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA. 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA.



**PROPOSED PROJECT  
AT CEDAR SPRINGS AND CANILISE**



BO KA Powell  
1871 Park Lane, Suite 300 Dallas, TX 75231  
Tel. 972.791.8000 Fax 972.791.3000  
www.bokapowell.com

These documents are limited to the specific project only and may not be used for other projects or other construction purposes.  
This document is prepared by BO KA Powell, Inc. and is not to be used for any other purpose.  
BO KA Powell, Inc. 1871 Park Lane, Suite 300 Dallas, TX 75231  
Tel. 972.791.8000 Fax 972.791.3000

BO KA Powell  
1871 Park Lane, Suite 300  
Dallas, TX 75231  
Tel. 972.791.8000 Fax 972.791.3000

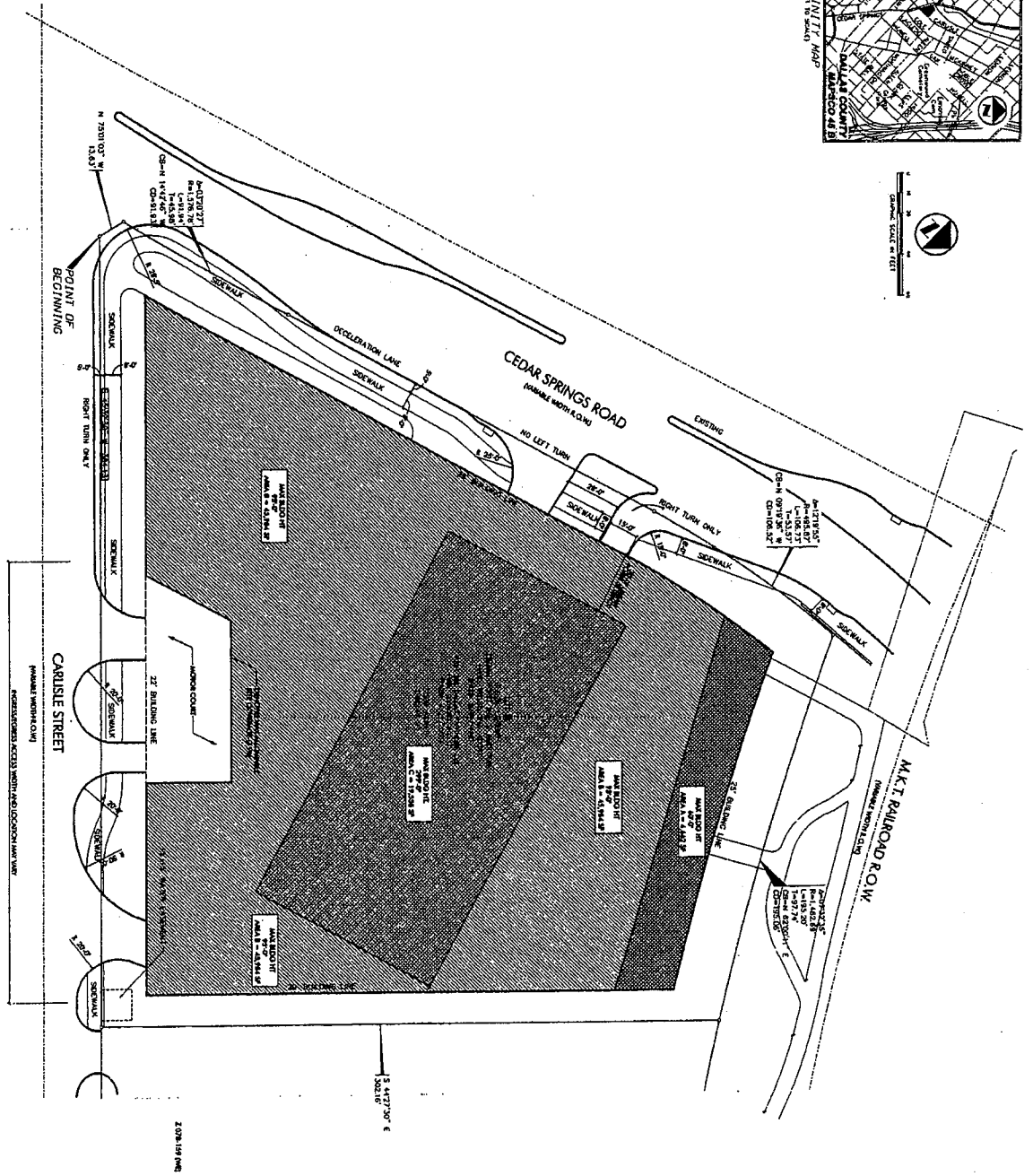
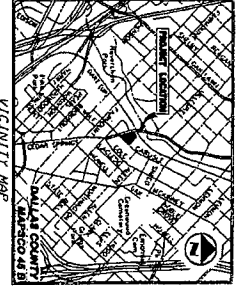
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BDA 112-069

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Exhibit 184B

27195



PROJECT INFORMATION	
SITE AREA -	2.209 ACRES, 100,540 SF
MINIMUM ALLOWABLE SITE COVERAGE -	71% - 71,298 SF
ACTUAL SITE COVERAGE -	70% - 70,200 SF
MINIMUM BUILDING FOOTPRINT -	70' - 17,528 SF - 20% of the total lot area
ACTUAL BUILDING FOOTPRINT -	60' - 17,000 SF - 20% of the total lot area
MINIMUM SETBACK -	40' OF ALL
ACTUAL SETBACK -	40' OF ALL

Planned Development  
District No. 184



architect: interior planning graphics  
6079 Park Lane, Suite 200 Dallas, TX 75251  
Tel. 972.701.0000 Fax 972.841.2404  
www.bokandb.com

This development is located in the City of Dallas, Texas. The applicant hereby certifies that the information provided on this application is true and correct. The applicant understands that the City of Dallas may require additional information or documents to complete the review process.

City of Dallas  
Department of Planning and Economic Development  
1500 Marilla Street, Suite 1000  
Dallas, TX 75201

Architect: BO K&B Powell  
1500 Marilla Street, Suite 1000  
Dallas, TX 75201  
Tel. 972.701.0000 Fax 972.841.2404  
www.bokandb.com  
Interior Planning Graphics  
6079 Park Lane, Suite 200  
Dallas, TX 75251  
Tel. 972.701.0000 Fax 972.841.2404  
www.bokandb.com

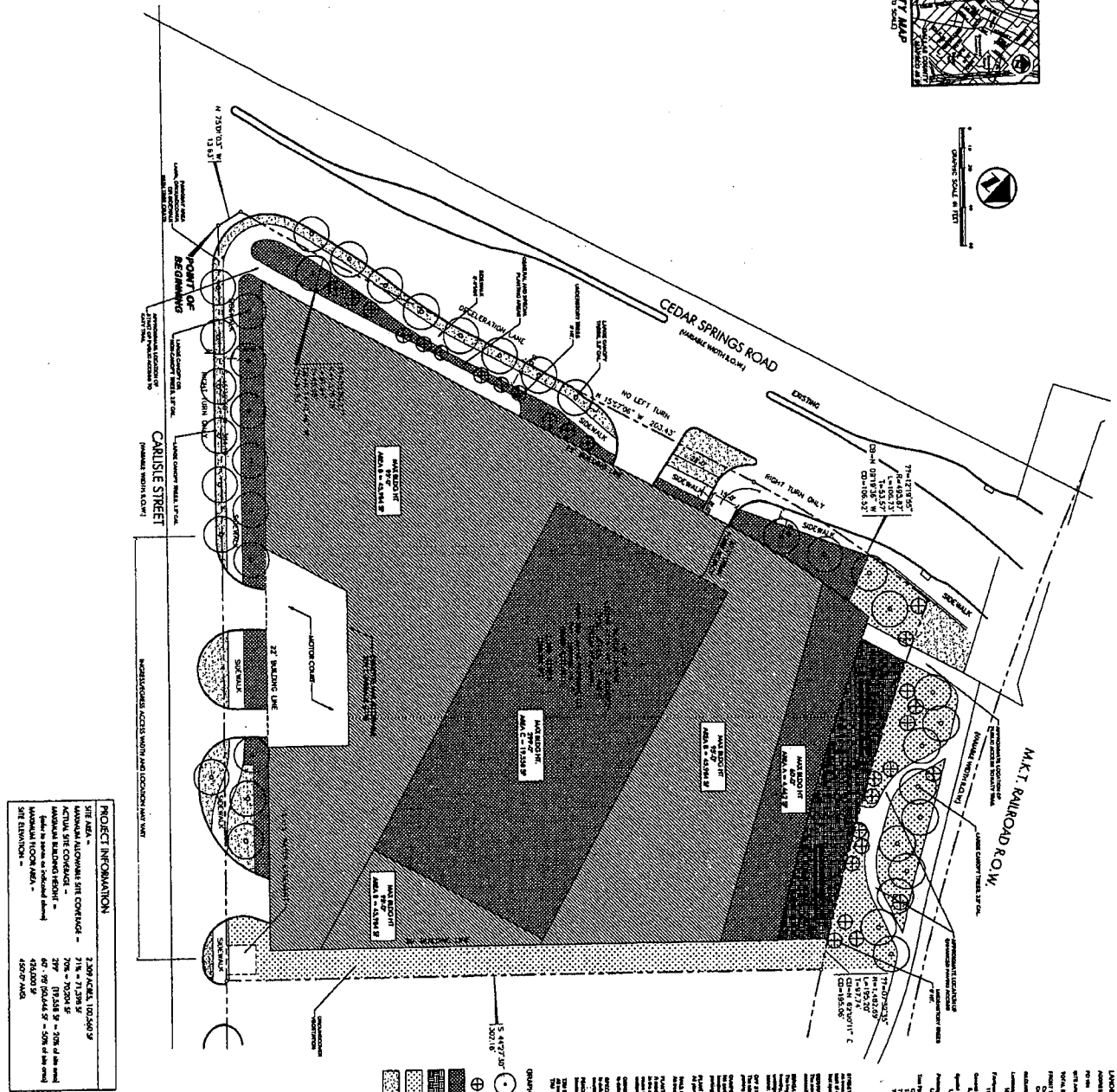
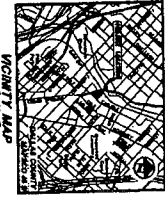
Planned Development  
District No. 184  
NOT FOR CONSTRUCTION  
A1.01

Exhibit 184C

27195

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U O I O U I



**PROJECT INFORMATION**

TITLE SHEET -	2.3W ACRES, 110,240 SF
MINIMUM ALLOWABLE SITE COVERAGE -	21% = 23,251 SF
ACTUAL SITE COVERAGE -	72% = 79,389 SF
MAXIMUM BUILDING HEIGHT -	27' = 113,548 SF = 70% of site area
MINIMUM BUILDING HEIGHT -	6' = 79,389 SF = 50% of site area
MINIMUM BUILDING FOOTPRINT -	4,000 SQ. FT.
MINIMUM BUILDING SETBACK -	40.00' MIN.

**LANDSCAPE TREATMENT**

LANDSCAPE TREATMENT SHALL BE PROVIDED AS SHOWN ON THESE PLANS AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. THE LANDSCAPE TREATMENT SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. THE LANDSCAPE TREATMENT SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.

**PLANTING SPECIFICATIONS**

ALL PLANTING SHALL BE PROVIDED AS SHOWN ON THESE PLANS AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. THE PLANTING SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. THE PLANTING SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.

Planned Development  
District No. 184

**CLP.1**

LANDSCAPE PLAN

Project Number: 08/27/08

Date: 08/27/08



**NOT FOR CONSTRUCTION**

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN SHALL BE MADE BY THE ARCHITECT AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF BOCA RATON.

**BO KA POWELL**

architectural solutions | planning | graphics

8875 Park Lane, Suite 300, Boca Raton, FL 33433

TEL: 561.363.8000 FAX: 561.363.3000

www.bokapowell.com

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**PARKING DEMAND FOR  
MULTIFAMILY DEVELOPMENTS:  
'CEDAR SPRINGS AT CARLISLE'  
IN DALLAS, TEXAS**

---

*Prepared for:*

**JLB 2728 Cedar Springs, LP**  
909 Lake Carolyn Parkway, Suite 960  
Irving, Texas 75039

*Prepared by:*

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

*June 4, 2012*



**Traffic. Transportation Planning. Parking. Design.**

*Texas Registered Firm – 3199*

DeShazo #12064

DeShazo Group, Inc.  
June 4, 2012

## EXECUTIVE SUMMARY

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **JLB 2728 Cedar Springs, LP** to analyze the parking needs for a proposed multifamily development to be located in the northern quadrant of the Cedar Springs Road-Carlisle Street intersection in Dallas, Texas.

The property is currently zoned under Planned Development District No. 184 (PD-184), Zone 1, which requires a minimum parking at a rate of two off-street parking spaces for each dwelling unit. A request to the Board of Adjustment is being made to reduce the minimum parking requirement for the subject property by twenty-five percent (25%) to 1.5 parking spaces per dwelling unit. This reduced parking ratio is consistent with that required within the Oak Lawn Special Purpose District (PD-193), which surrounds the subject site.

For an estimated development containing 395 dwelling units, the required parking supply would be reduced from 790 spaces under existing, PD-184 zoning criteria to 593 spaces under the proposed criteria – a reduction of 197 spaces (25%). To validate this reduction, DeShazo applied the internally recommended parking ratio of one-space-per-bedroom -- which has been validated through many parking demand studies performed by DeShazo in the region -- and projects the peak parking demand to be approximately 494 parking spaces. Hence, even with a reduced code requirement of 593, a surplus of approximately 99 spaces is anticipated.

Approval of the reduced parking requirement is recommended.

END

*Parking Analysis for Multifamily Development  
'Cedar Springs at Carlisle' - Dallas, Texas  
Executive Summary*





**Traffic. Transportation Planning. Parking. Design.**

400 S. Houston Street, Suite 330  
Dallas, TX 75202  
ph. 214.748.6740  
[deshazogroup.com](http://deshazogroup.com)

## Technical Memorandum

**To:** Mr. Britton Church — *JLB 2728 Cedar Springs, LP*  
**From:** DeShazo Group, Inc.  
**Date:** June 4, 2012  
**Re:** **Parking Analysis for Multifamily Developments: 'Cedar Springs at Carlisle' in Dallas, Texas**  
*DeShazo Project No. 12064*

---

### INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **JLB 2728 Cedar Springs, LP** to analyze the parking needs for a proposed multifamily development in Dallas, Texas. **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 for over 30 years.

The proposed 'Cedar Springs at Carlisle' project is a multifamily development to be served by a structured parking facility. The project is estimated to provide 395 dwelling units with 75% 1-bedroom- and 25% 2-bedroom-units (494 total bedrooms).

The subject site is located in the northern quadrant of the Cedar Springs Road-Carlisle Street intersection in Dallas, Texas. The property is currently zoned under Planned Development District No. 184 (PD-184), Zone 1. Under this PD, the current parking requirement for multifamily uses is:

**Zone 1** – "a minimum of two off-street parking spaces is required for each dwelling unit, with at least 0.25 of the off-street spaces left unassigned for guest parking."

A request to the Board of Adjustment is being made to reduce the minimum parking requirement for the subject property by twenty-five percent (25%). Using this reduction the property will provide a parking supply at a ratio of 1.5 spaces per dwelling unit. This ratio is consistent with that which is required in the Oak Lawn Special Purpose District (PD-193), which surrounds the subject site.

This memorandum is provided to validate the requested parking reduction. The analysis presented herein summarizes the projected parking demand for the proposed multifamily use based upon application of parking characteristics derived from DeShazo's professional judgment and experience from several residential parking demand studies conducted throughout the Dallas metropolitan area. This study will be provided to City of Dallas staff for technical review.

*Parking Analysis for Multifamily Development  
'Cedar Springs at Carlisle' - Dallas, Texas  
Page 1*

**PARKING REDUCTION REQUEST**

The requested reduction in parking requirement is tabulated below in **Table 1**:

*Table 1. Code Parking Reduction Calculation*

Scenario	Quantity	Ratio	Spaces Required
Existing Code Requirement (PD-184, Zone 1)	395 Dwelling Units	2.0 spaces per dwelling unit	790
Proposed Code Requirement (equivalent to PD-193)	395 Dwelling Units	1.5 spaces per dwelling unit	593
<i>Difference</i>	--	25%	$\Delta = 197$

The net existing code parking requirement for the proposed development based upon the estimated development scenario is 790 total spaces. The net code parking requirement based upon the proposed parking ratios is 593. Hence, the request considered in this analysis is to reduce the site’s parking requirement by 25 percent, for a difference of up to 197 spaces.

**PARKING DEMAND**

The composition of single- and multiple-bedroom dwelling units varies from one development to the next based upon market demands, etc. Because of this, the DeShazo studies have determined the parking demand ratio for multifamily use is most accurate and consistent when summarized on a per-bedroom basis -- in lieu of the commonly used per-unit basis or per-square-footage, which does not consider the mixture of unit types.

DeShazo has conducted numerous parking demand studies for multifamily developments that are designed with an urban character and target business-professional tenants. A peak parking demand of 1.0 space per bedroom has been repeatedly validated by these DeShazo studies.

Table 2 provides a summary of several parking demand studies conducted at various representative properties. During this data collection, all vehicles parked on site and (where applicable) on nearby streets that may be reasonably associated with the subject property were included in the study. All parking accumulation data were collected between the hours of 12:00 AM and 5:00 AM on weekdays in order to capture the overall peak demand when the maximum number of residents are parked on site.<sup>1</sup>

Results provided in Table 2 validate that the average observed parking demand is generally less than or equal to 1.0 parking space per occupied bedroom at each location. NOTE: Since the parking demand measured in this study is a rate of parking spaces per occupied bedroom, the occupancy of each individual property is taken into consideration in the calculation. In other words, no further adjustments are needed relative to occupancy.

DeShazo acknowledges that, during on-site parking data collection, it is not feasible to definitively distinguish residents versus guests. However, the DeShazo’s recommended ratio of 1.0 space per

<sup>1</sup> Based upon hourly parking characteristics published in studies by the *Urban Land Institute* and the *Institute of Transportation Engineers* and documented in private studies by DeShazo, multifamily residential parking demand is highest (i.e., 100% of peak) on weekdays between the hours of 12:00 AM and 4:00 AM (and, 12:00 AM-5:00 AM for urban study sites).



*DeShazo Group, Inc.*  
*June 4, 2012*

*bedroom* is a peak demand ratio based upon data obtained during the time of the day when the highest overall parking demand is expected to occur. Presumably, only a small proportion of these parked vehicles, if any, are associated with guest parking; however, any guest parking that may exist is included in the data sample. Though the proportion of guest parking may be higher during other hours of the day, the overall net parking demand remains less than 1.0 parking space per bedroom.

***Published Parking Data***

Published parking demand data from the Institute of Transportation Engineers (ITE) is calculated in parking spaces per dwelling unit; information on the number of bedrooms per unit is not available. **Table 3** provides an excerpt of published multifamily parking demand data from the ITE *Parking Generation* manual, 4<sup>th</sup> Edition (2010).

Table 2. DeShazo Multifamily Parking Demand Historical Database

Name of Property (Location)	Date of Study	D.U. (Total Bedrooms)	Percent Occupied	Parked Vehicles*	Pkg. Demand per Occupied Bedroom
Post Sierra (Frisco)	2/1/2012	269 (356)	91%	313	0.97
Jefferson Place (Irving)	9/15/2011	440 (664)	98%	528	0.81
Mission at La Villita (Irving)	9/15/2011	360 (564)	94%	451	0.85
Chisholm Place (Plano)	9/15/2011	142 (219)	98%	197	0.92
AMLI Breckinridge Point (Richardson)	8/14/2008	440 (743)	87%	597	0.92
Cityville-Live Oak (Central Dallas)	9/14/2007	238 (297)	95%	259	0.92
Cityville-Fitzhugh (Central Dallas)	9/14/2007	226 (288)	97%	257	0.92
Cityville-Greenville (Central Dallas)	9/14/2007	(182)	95%	160	0.93
Legacy Village-Phase I (Plano)	11/8/2004	255 (318)	98%	315	1.01
Phoenix Midtown (Central Dallas)	12/6/2002	449 (621)	86%	479	0.90
The Heights (State Thomas)	12/6/2002	368 (431)	92%	364	0.92
Uptown Village 1&2 (Dallas)	12/6/2002	496 (585)	88%	495	0.96
Turtle Creek Villas (Turtle Creek)	12/2/2002	331 (575)	89%	429	0.84
Mockingbird Station (Central Dallas)	2/11/2002	235 (235)	89%	216	1.03
<b>AVERAGE:</b>					<b>0.92</b>

\* Includes all on-site and on-street parking facilities within close proximity to the site, where applicable.

Table 3. Data Excerpts from Published Technical Data

Land Use	Day	No. Of Studies	Location/Area	Average Peak Parking Demand Rate
<b>Low-/Mid-Rise Apartment</b> (ITE Land Use Code: 221)	Weekday	19	Suburban	1.20 vehicles per Dwelling Unit (average unit contained 1.7 bedrooms)*
	Weekday	12	Urban	1.00 vehicles per Dwelling Unit (average unit contained 1.9 bedrooms)*
	Saturday	7	Urban	1.02 vehicles per Dwelling Unit
<b>&lt;OTHER (FOR REFERENCE)&gt;</b>				
<b>High-Rise Apartment</b> (ITE Land Use Code: 222)	Weekday	7	Central City, Not Downtown	1.37 vehicles per Dwelling Unit
<b>Residential Condominium/ Townhouse</b> (ITE Land Use Code: 230)	Weekday	5	Suburban	1.46 vehicles per Dwelling Unit

\* Where information was provided (i.e., select data points only).

Based upon the average bedrooms-per-unit information and the observed parking demand rates per unit, the ITE data provided for low- and mid-rise apartments is considered to support the DeShazo finding of less than 1.0 space demand per bedroom. [NOTE: ITE and ULI do not provide parking demand rates on a per-bedroom basis.]

## RECOMMENDATIONS

The purpose of this study is to validate the proposed parking reduction by presenting DeShazo's assessment of observed parking needs for the multifamily uses similar to the proposed 'Cedar Springs at Carlisle' development in Dallas, Texas. And, as warranted based upon the applicable zoning requirements, provide a basis and justification to seek a variance from those requirements.

Based upon the property's existing zoning designation, the minimum parking supply requirement is estimated to be 790 parking spaces. This requirement does not consider commensurately the lower parking demand created by the high ratio of 1-bedroom dwelling units. DeShazo's estimated parking demand for the proposed development is expected to be adequately served by only 494 parking spaces (a ratio of 1.0-space per bedroom). In order to provide a more equitable requirement that is comparable to the criteria applied to other developments in the area, application of 1.5 spaces per dwelling units, which is consistent with the Oak Lawn Special Purpose District parking ratio, is recommended. Table 4 summarizes the details of requested reduction.

Table 4. Parking Reduction Summary

CONDITION	PARKING REQUIREMENT
Existing Zoning Requirement (PD-184)	790 spaces
Proposed Parking Supply (per PD-193)	593 spaces
Requested Parking Reduction	197 spaces
>> DeShazo's Projected Need <<	494 spaces
>> DeShazo's Projected Surplus <<	+99 spaces

## REQUEST

The subject of this study is a request to reduce the required parking for the subject property by 25 percent (or, up to 197 parking spaces). Based upon the findings of this analysis of the parking demands for multifamily uses, the code parking requirement under the proposed rate will yield a more nearly optimized parking supply for the proposed development than the original code requirement while providing an ample surplus.

A reduction of required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.311(a)(2):

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

Off-street parking supply will be provided on-site and will be exclusive for residents and visitors, 24 hours a day.

(B) *Parking demand and trip generation characteristics of all uses for which an exception is requested.*

The projected parking demand takes into consideration the needs of all residents and visitors based upon empirical data collected at various residential developments throughout the Dallas metropolitan area further validated by national published data of more specifically similar land uses published by the ITE *Parking Generation* manual, 4<sup>th</sup> edition.

(C) *Whether the subject property is part of a modified delta overlay district.*

The requested parking reduction is based upon the site's multifamily parking demand characteristics and is not based upon any special zoning adjustments.

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

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

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

The site is currently within convenient walking distance of two DART public transit bus routes -- 021 and 039. In addition, the site is very near the MATA/DART M-Line Streetcar line (DART Route 825). Public transit provides an attractive alternative mode of transportation for residents of this multifamily residential development.

*DeShazo Group, Inc.*  
*June 4, 2012*

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

DART public transit is a parking mitigation measure as it presents a viable transportation alternative for many residents.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the parking operations during typical peak hours. It is presumed that it is in the best interest of the property owners to provide an appropriate parking environment to their residents.

**END OF MEMO**





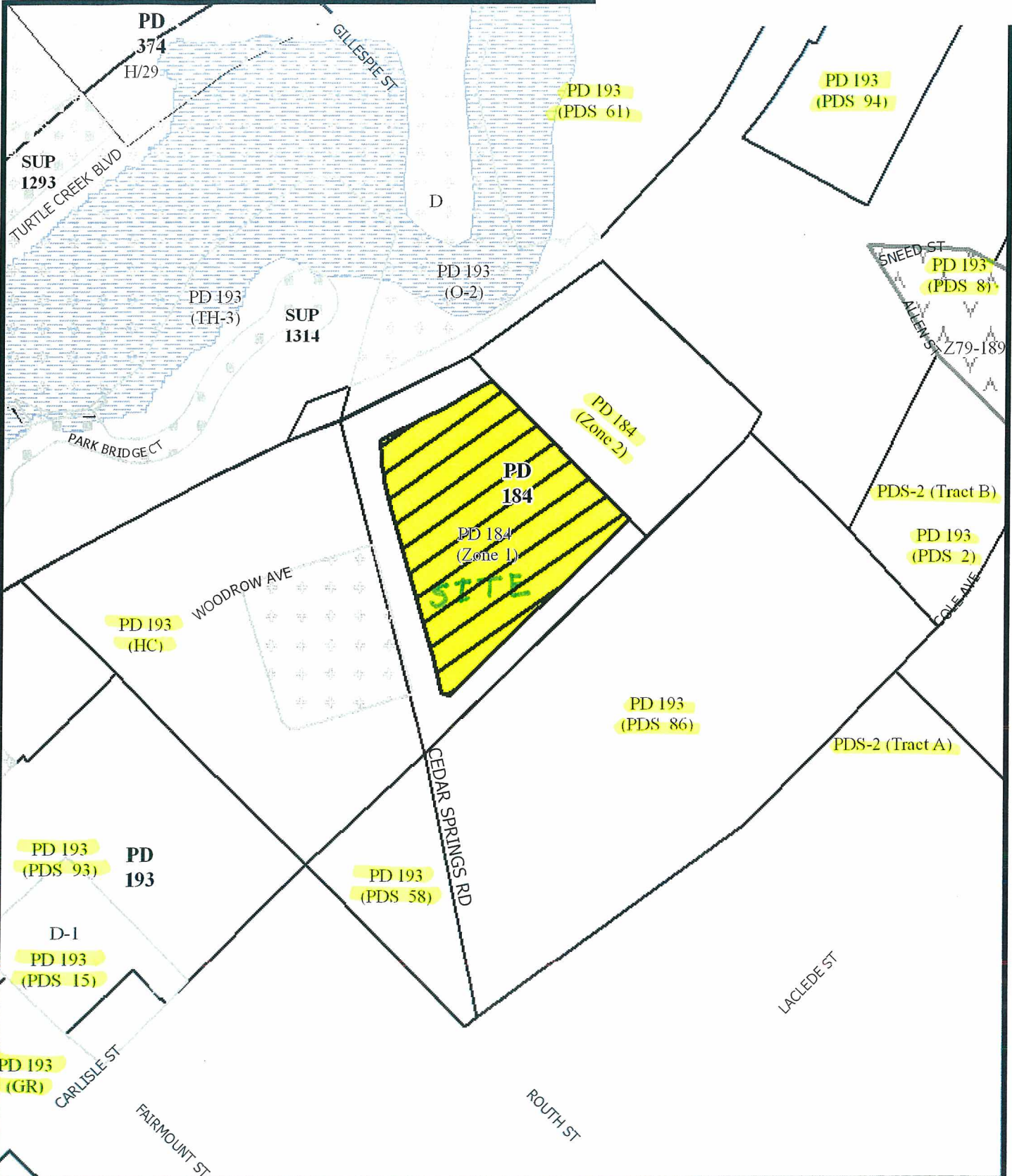
**COMPARISON CHART**

**Multifamily off-street parking requirements;  
P.D. 184, Zone 1, compared to surrounding development  
(see Zoning Map excerpt for locations)**

	<b>Zoning Classification</b>	<b>Multifamily Parking Required</b>
1.	P.D. 184, Zone 1 (subject site)	2.0 spaces per dwelling unit
2.	P.D. 184, Zone 2 (Gables at Katy Trail)	1 space per 500 square feet (excludes “common area”)
3.	P.D. 193 (no P.D. Subdistrict)	1 space per 500 square feet (over 36 ‘: min. 1.0, max. 1.5 per unit)
4.	P.D. 193, P.D.S. 2 (Post Square)	1.25 spaces per unit, maximum of 208 spaces
5.	P.D. 193, P.D.S. 8 (developed as office)	1 space per bedroom
6.	P.D. 193, P.D.S. 15	Minimum of 378 spaces for a maximum of 254 units (1.49/unit)
7.	P.D. 193, P.D.S. 58 (Wells Fargo Bank)	Standard P.D. 193 (but not a residential development)
8.	P.D. 193, P.D.S. 61	Retirement housing, 1.2 spaces/unit (otherwise, standard P.D. 193)
9.	P.D. 193, P.D.S. 86 (Gables Villa Rosa)	Standard P.D. 193 (over 36 feet)
10.	P.D. 193, P.D.S. 93 (Gables, Routh at Carlisle)	Not online or at Current Planning; project is 7 stories.
11.	P.D. 193, P.D.S. 94 (Alamo Manhattan; under construction)	Standard P.D. 193 (over 36 feet)

Note also that P.D. 225 (State-Thomas) and P.D. 305 (Cityplace), both very successful urban redevelopment areas, each only require one space per dwelling unit.





1:2,400

# ZONING MAP

Case no: BDA112-069  
 Date: 5/31/2012





**Aerial photo (site outlined in green)**

<http://maps.dallascityhall.com>

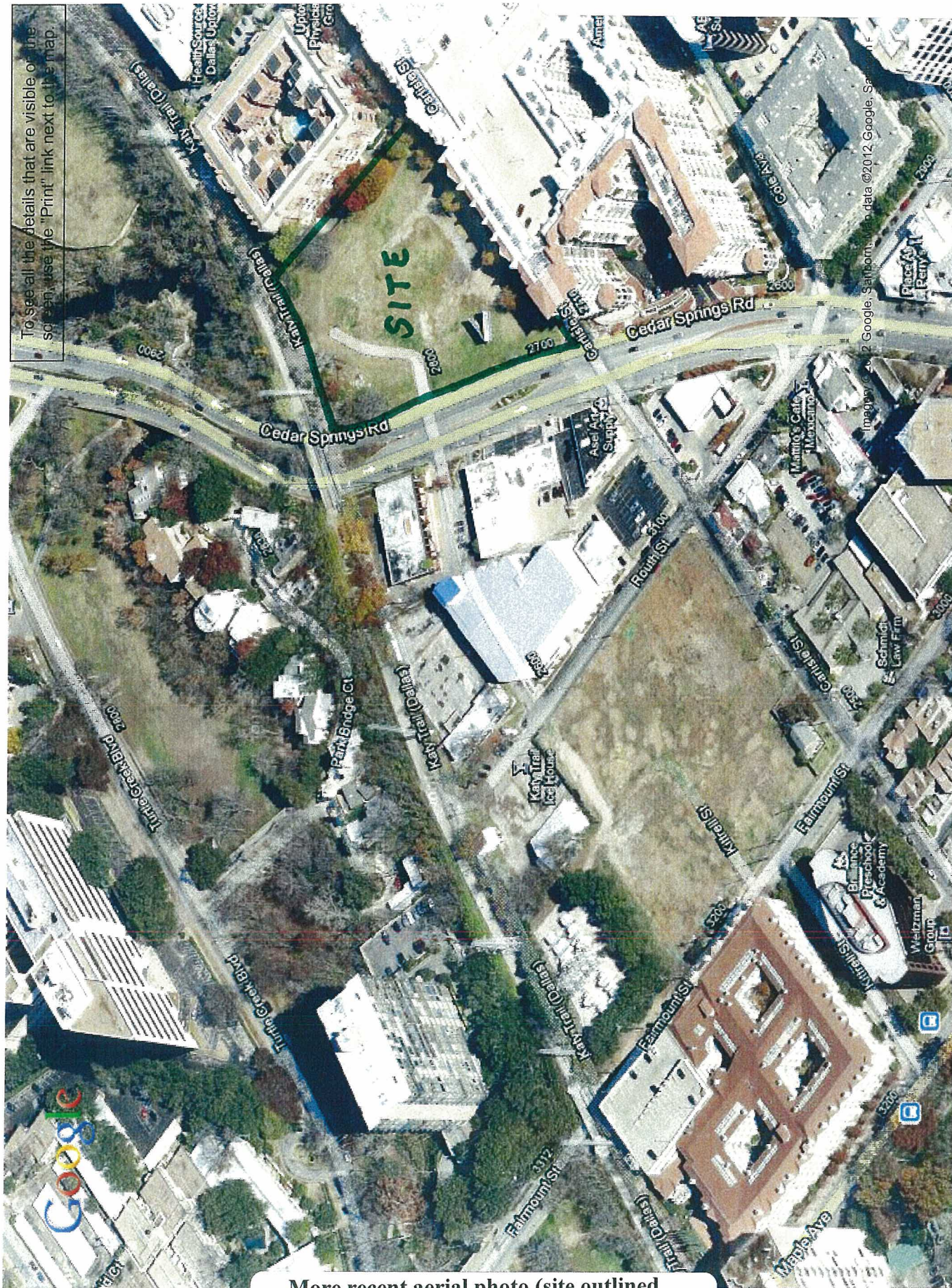


**City of Dallas**  
1500 Marilla Street  
Dallas, Texas 75201

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.





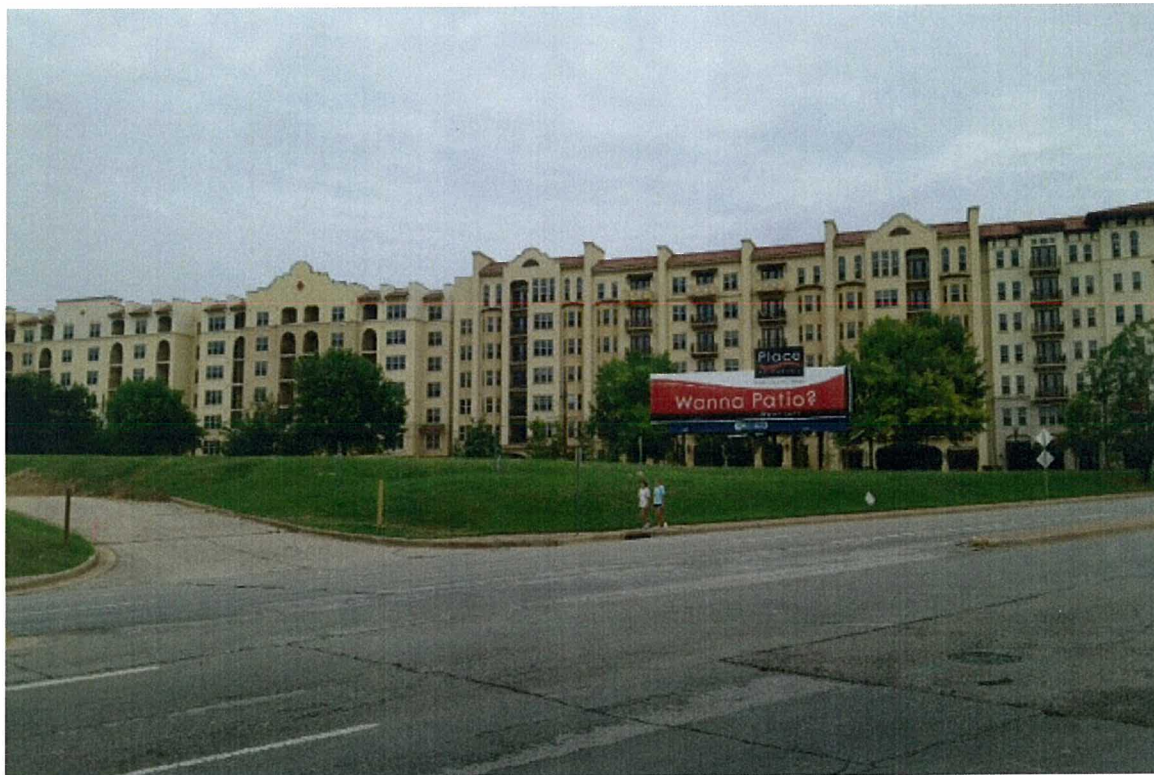


More recent aerial photo (site outlined in green)





View of site from Cedar Springs and Carlisle; note slope; PD 184, Zone 2, in background.

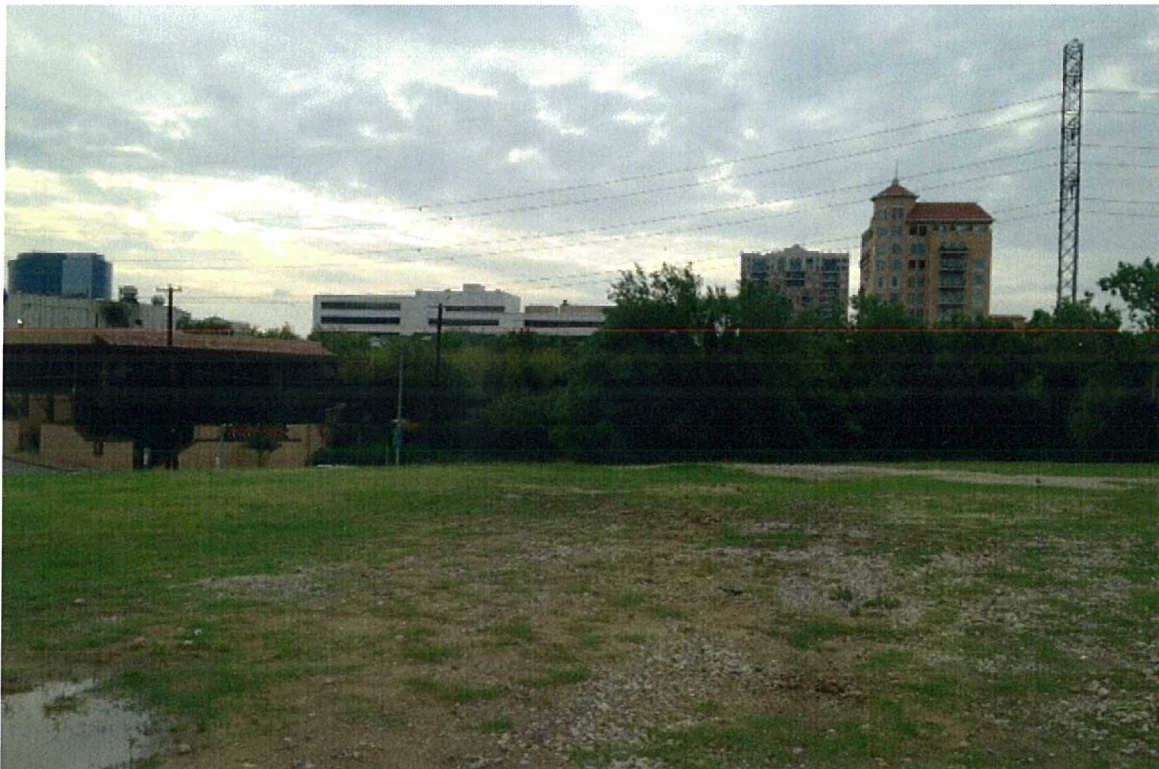


View of site towards east; Gables Villa Rosa in background. 1-44





**View from site looking south; shows retail, commercial, dense multifamily uses.**



**View from site looking west – shows restaurant, office, dense multifamily uses.**





**Closer view of PD 184, Zone 2 (Gables at Katy Trail).**

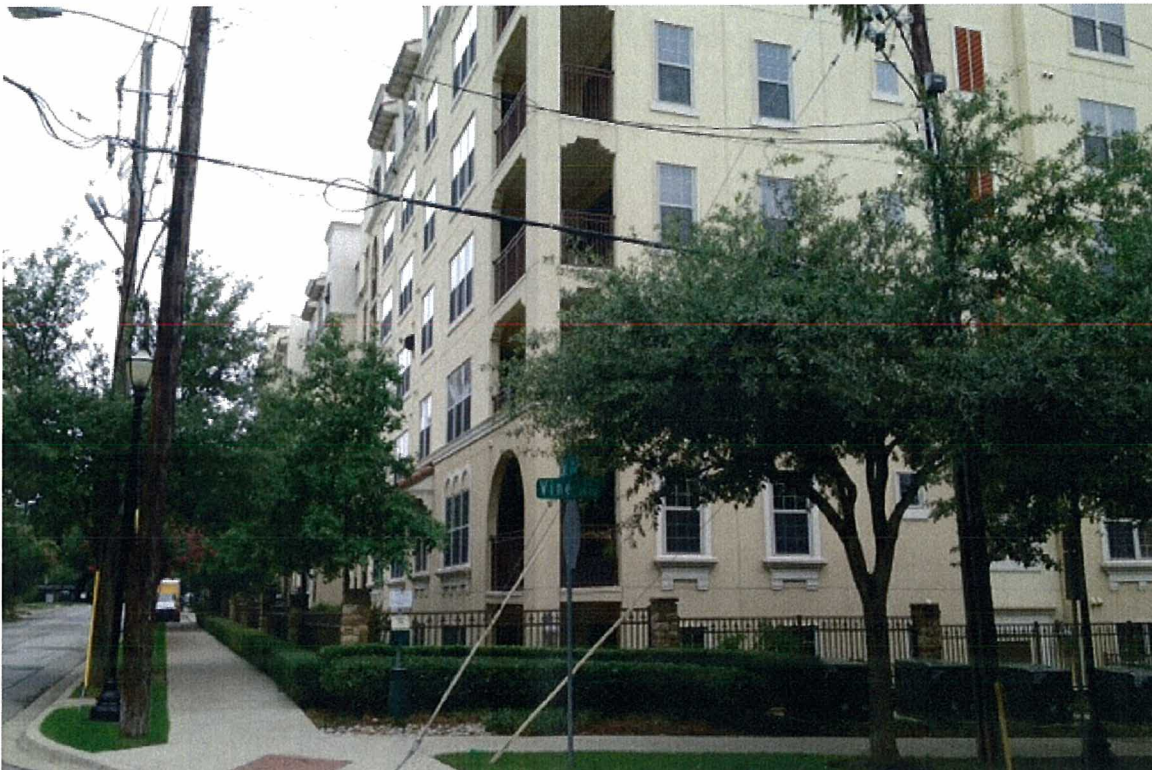


**View of Gables Villa Rosa, across Carlisle Street from the site.**





**View of Gables project under construction (P.D. 193, P.D.S. 93)**



**View of nearby multifamily project (Vine Street and Cole Avenue).**





**View of site from Cedar Springs and Carlisle; note slope; PD 184, Zone 2, in background.**



**View of site towards east; Gables Villa Rosa in background.<sup>1-48</sup>**





**View from site looking south; shows retail, commercial, dense multifamily uses.**



**View from site looking west – shows restaurant, office, dense multifamily uses.**





**Closer view of PD 184, Zone 2 (Gables at Katy Trail).**



**View of Gables Villa Rosa, across Carlisle Street from the site.**





**View of Gables project under construction (P.D. 193, P.D.S. 93)**



**View of nearby multifamily project (Vine Street and Cole Avenue).**



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

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

August 3, 2012

**Via Scan/Email**

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

Re: BDA 112-069; 2728 Cedar Springs Road

Dear Members of Panel C:

**I. Introduction.** As you know, we represent the property owner in this case, JLB 2728 Cedar Springs, LP, in its request to the Board of Adjustment for a variance to the applicable off-street parking regulations. We are sending you this letter in advance of our hearing on August 13 to reiterate and explain our position with regard to our request for a 25 percent parking reduction (from 2.0 spaces per unit to 1.5 spaces per unit) and to the property hardship factors present at this site. While you have seen much of this information before, it has been two months, and we wanted to again state our case to you in anticipation of the August 13 hearing.

**II. The Current Parking Requirement is Excessive.** The current zoning on the property is P.D. 184, Zone 1. The current zoning was amended in 2008 in contemplation of what was then proposed to be a luxury hotel with some associated retail uses and up to 90 associated multifamily dwelling units. It is very important to note that these 90 multifamily dwelling units were specifically proposed to be luxury condominium dwelling units associated with the then-proposed hotel. The average size of these condominium units was projected to be approximately 2,500 square feet, extremely large for multifamily dwelling units, whether for rent or for sale.

The required parking ratio specified for these multifamily dwelling units is 2.0 parking spaces per unit (*see* Sec. 51P-184.113(a)(6) of P.D. 184, copy attached). This is an extremely high parking ratio for multifamily, far in excess either of what is required for any of the surrounding developments *or* what the market demands, and was specific to the fact that these were to be very large units, projected to be sold to households who would be assumed to own and park two vehicles per household. That particular hotel project did not occur due to the recent severe recession, and the property is now owned by the applicant, who wishes to build a high quality, but more typical, urban multifamily residential development.

**III. The Actual Parking Demand is Less.** As demonstrated in our June 4, 2012, DeShazo Group parking demand study (attached), the appropriate parking requirement for the type of project proposed is *at most* 1.5 spaces per dwelling unit. In fact, this standard to which we propose to be conditioned is the same as that of P.D. 193, the Oak Lawn Special Purpose District, for multifamily projects which exceed 36 feet in height. Therefore, *all we are asking for is a 25 percent reduction from the extraordinarily high standard previously required for the very large luxury condominium units, and instead to be covered by the same multifamily parking standard that applies to most of the surrounding multifamily developments.*

The parking study demonstrates that the *actual* parking demand, per numerous studies, is one space per bedroom, so we will actually have a parking *surplus* at 1.5 spaces per unit, given the projected unit mix. Please also note that *the City of Dallas itself is proposing a one space per bedroom standard for multifamily*, as proposed by the Zoning Ordinance Committee, and by the City Plan Commission on January 19, 2012, and pending before the City Council.

Further, we are not asking for any other changes to the already-approved Development Plan, which the applicant will work within to construct this development. The parking for the proposed multifamily project will be contained within the perimeter of the building footprint as shown on the current approved Development Plan, and will all be below grade, as required in P.D. 184, Zone 1. In addition, the surrounding properties are either commercial properties or other medium- or high-density multifamily developments.

**IV. Reason for Variance Request.** We have to ask for a variance for this parking reduction, rather than a special exception, under Sec. 51A-4.311(a)(6), because the parking ratio is specified in the P.D. However, *we do meet all of the standards for approval of a variance, as shown below.*

**A. Property Hardship Conditions.** The property has a number of *property hardship conditions*, which should be considered in support of our variance request. These include the following:

(1) The site is clearly *very irregular in shape*, as you can see from the attached P.D. 184 Exhibits and our highlighted submitted Site Plan (attached);

(2) The site has *significant elevation change*, as you will see from the attached site photos and the topography lines on Exhibit 184A;

(3) The site also has *severe geotechnical challenges*, including dense limestone which comes very close to the surface on some portions of the site, according to the applicant's *Geotechnical Exploration Report*, prepared by Fargo Consultants, Inc., and dated April, 2012, which makes development of the site much more physically challenging, especially if construction of another underground level of parking is required;

(4) The site has *Katy Trail adjacency* on the west. While the Katy Trail is obviously an amenity for this property and the surrounding properties, it also causes development of the property to take into strong consideration the presence of the Trail, and



“pull back” from the Trail to some extent, as memorialized in the approved Development Plan; and

(5) The *approved Development Plan* itself is a property condition which restricts development on the site to that which is already shown and approved on the Development Plan.

***B. The Request Meets All of the Other Variance Standards.*** In addition, this variance request is certainly *not contrary to the public interest*, but will instead permit high quality development and reuse of this vacant site in the middle of Uptown, with ample parking provided on the site and below grade, rather than it continuing to sit vacant due to fallout from the recent recession, and will allow development of this site in a *manner commensurate with all of the surrounding multifamily development*. Also attached are an aerial photo and several site photos for your information to illustrate the foregoing points.

***C. Necessary for Commensurate Development.*** We have also researched the multifamily parking requirements for all of the surrounding multifamily projects, many of which are recently built, and in every instance their parking requirement for multifamily is either the same as, or even less than, what we are asking for (see Comparison Table, attached). This clearly goes straight to the “commensurate development” element of the standard.

The variance is necessary to permit commensurate development, in that all of the surrounding multifamily projects in this area have a significantly lower parking requirement, in most cases no more than that reflected in P.D. 193. While it is true that this property is in P.D. 184, Zone 1, *it is a very restrictive and hypertechnical analysis* to base the “commensurate development” standard on one zone of one stand-alone Planned Development District when the property really functions as part of the larger neighborhood. Even P.D. 184, Zone 2, immediately to the north, has a lesser parking requirement.

By that rationale, applicants could never go to the Board of Adjustment for relief on any issue on a property within a stand-alone Planned Development District. We do not believe that is the intent of the Development Code in providing jurisdiction for the Board. It is also important to note that when looking at the most common standards for parking requirements in the City of Dallas – required spaces per bedroom, and required spaces per 500 square feet of dwelling unit area - our current proposal contains significantly higher standards based on either of these two common regulations than does the development originally intended under P.D. 184, Zone 1 (see table, below; all numbers approximate).

<u>Current Requirement</u>	<u>Our Proposal</u>	<u>Difference</u>
0.8 spaces per bedroom	1.22 spaces per BR	50%+ more spaces
0.4 spaces per 500 SF	0.83 spaces per 500 SF	100%+ more spaces

In addition, we have analyzed all parking variance requests in Planned Development Districts from the beginning of 2009 through today (see attached list), and

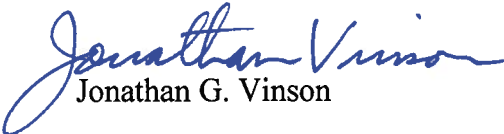
we have found that the Staff recommendation has varied from case to case, with those recommendations for denial being in instances where there was either no parking analysis at all, or else alleged insufficient documentation of the rationale for the parking reduction. That is certainly not the case in this instance, where we have presented a thorough and credible parking demand study by a reputable Professional Engineer.

***D. Clearly "Not Contrary" to the Public Interest.*** It would be bad public policy to continue the imposition of an excessively high (at least 33 percent higher than what is required under any reasonable analysis) parking standard. The property hardships which are described above are also not in any way self-created, and the variance request is not made for financial reasons only, but rather to respond to the site conditions and the excessively high multifamily parking requirement imposed by the current zoning.

Further, we have gone before both the Friends of the Katy Trail and the Oak Lawn Committee to discuss our request. We will be returning to the Oak Lawn Committee on August 7, and we will advise you at the hearing of the positions on this case of both groups.

***IV. Conclusion; Request for Approval.*** We ask that you consider all of these factors in your deliberations on our variance request, and we will respectfully ask at our hearing that you approve our request. There is clear property hardship; the current parking requirement is unreasonably excessive, much more restrictive than anything else in the neighborhood, and is detrimental to the public interest; and this request is necessary so that commensurate development can be done on this site. Thank you very much for your consideration.

Very truly yours,

  
Jonathan G. Vinson

cc: Paul Johnston  
Scott Sherwood  
Britton Church  
Steve Stoner  
Jeff Smith  
Susan Mead



## List of Attachments

1. P.D. 184 and Exhibits (Zone 2 parking requirement highlighted).
2. DeShazo Group Parking Demand Study.
3. Submitted Site Plan (highlighted to show irregular shape of site).
4. Parking Comparison Chart (commensurate development in immediate area, as shown on accompanying Zoning Map).
5. Aerial Photos.
6. Site photos.
7. List of parking variance cases in P.D.s (2009 to date), with staff report or minutes for those recommended for approval.

**ARTICLE 184.**

**PD 184.**

**SEC. 51P-184.101. LEGISLATIVE HISTORY.**

PD 184 was established by Ordinance No. 18445, passed by the Dallas City Council on October 31, 1984. Ordinance No. 18445 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 18445 was amended by Ordinance No. 18643, passed by the Dallas City Council on March 27, 1985; Ordinance No. 22098, passed by the Dallas City Council on June 22, 1994; and Ordinance No. 23975, passed by the Dallas City Council on August 11, 1999. (Ord. Nos. 10962; 18445; 18643; 22098; 23975; 25508; 27195)

**SEC. 51P-184.102. PROPERTY LOCATION AND SIZE.**

PD 184 is established on property generally located at the northeast corner of Carlisle Street and Cedar Springs Road. The size of PD 184 is approximately 3.9785 acres. (Ord. Nos. 18445; 25508; 27195)

**SEC. 51P-184.103. ZONE 1 PURPOSE.**

The Zone 1 standards complement the development pattern in the area and recognize the area's unique identity as a bridge between Oak Lawn and the Turtle Creek Corridor. The objectives of these standards are as follows:

- (1) To promote the health, safety, welfare, convenience, and enjoyment of the public.
- (2) To achieve buildings more urban in form.
- (3) To promote a pedestrian environment that connects to public open space.
- (4) To encourage development that complements nearby properties.
- (5) To encourage the placement of off-street parking underground.
- (6) To achieve buildings efficient in design and use of space while providing view corridors, light, and air to nearby properties.
- (7) To achieve buildings that reduce natural resource consumption, enhance occupant comfort and health, lower utility consumption, minimize strain on local infrastructures, and improve quality of life.
- (8) To create development flexibility that promotes active pedestrian use. (Ord. 27195)

**SEC. 51P-184.104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. In Zone 1 of this district,

(1) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of the structure. Finished ground surface elevation does not include landscape features, berms, or other fill material.

(2) HEIGHT means the vertical distance measured from grade to the highest point of the structure.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. Nos. 25508; 27195)

**SEC. 51P-184.105. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit 184A). The conceptual plan divides the Property into Zones 1 and 2. (Ord. Nos. 18643; 23975; 25508; 27195)

**SEC. 51P-184.106. DEVELOPMENT PLAN.**

(a) Zone 1. Development and use of Zone 1 must comply with the development plan (Exhibit 184B). If there is a conflict between the text of this article and the development plan, the text of this article controls. If there is a conflict between the conceptual plan and the development plan, the development plan controls.

(b) Zone 2. Within six months of the date of the passage of Ordinance No. 18445, as amended, a detailed development plan for either the entire PD, or a designated first phase of development, must be submitted to the city plan commission for approval prior to the issuance of a building permit for the Property. The detailed development plan must comply with the conceptual plan and this article. If a development plan is submitted for a designated first phase of development only, a subsequent development plan must be submitted for each subsequent phase of development. Each subsequent development plan must comply with the conceptual plan and must be approved by the city plan commission prior to the issuance of a building permit for that phase of development. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.107. PERMITTED USES.**

The only permitted uses on the Property are as follows:

(1) Zone 1.

(A) Except as provided in this paragraph, all uses permitted in an O-2 Office District, including "limited uses" and a maximum of 25,000 square feet of floor area of bar and restaurant uses and retail uses (with separate entrances allowed from the motor court only).

(B) The following main uses are limited to Area A only:

-- Residential uses other than hotel and motel.

(C) The following main use is prohibited:

-- Office.

(2) Zone 2. Residential uses, including hotel and motel uses, allowed in the MF-3 Multiple-Family District. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.108. MAXIMUM PERMITTED HEIGHTS.**

(a) Except as provided in this subsection, maximum permitted height for Zone 1 is:

(1) For parking structures, 15 feet to accommodate the slope of the lot. That portion of a parking structure above ground must be screened in accordance with Section 51P-184.118.

(2) For fences located within the required setback abutting the Katy Trail, eight feet.

(3) For all other structures, as follows:

(A) Area A: 60 feet.

(B) Area B: 95 feet.

(C) Area C: 299 feet.

(b) Maximum permitted height for Zone 2 is 100 feet. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.109. FLOOR AREA.**

(a) Maximum permitted floor area for all buildings in Zone 1 combined is 426,000 square feet.

(b) Maximum permitted floor area for all buildings in Zone 2 is 138,000 square feet.

(c) Total maximum floor area for all buildings on the Property is 564,000 square feet. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.110. MAXIMUM LOT COVERAGE.**

(a) Maximum lot coverage in Zone 1 is 71 percent (excluding parking structures).

(b) Maximum lot coverage in Zone 2 is 60 percent (excluding parking structures). (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.111. SETBACKS.**

(a) In general. Setbacks are measured from the existing right-of-way lines and are shown on the conceptual plan for all buildings and structures in this PD.

(b) Zone 1.

(1) Minimum front yard is 25 feet on Cedar Springs Road and 22 feet on Carlisle Street.

- (2) Minimum rear yard from the Katy Trail right-of-way is 25 feet.
  - (3) Minimum side yard is 20 feet.
- (c) Zone 2.
- (1) Minimum front yard is 25 feet.
  - (2) Minimum rear yard is 10 feet.
  - (3) Minimum side yard is 10 feet (except that, along the line dividing Zone 2 from Zone 1, the setback is zero). (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.112. SIGNS.**

(a) Except as provided in this subsection, in Zone 1, all signs must comply with the sign provisions for business zoning districts in the Dallas Development Code.

- (1) Attached signs.
  - (A) Attached signs may not be higher than 125 feet above grade.
  - (B) Attached signs may not face the Katy Trail.
  - (C) Maximum effective area for all attached signs is 750 square feet.
- (2) Non-premise signs. Non-premise signs are prohibited.
- (3) Detached monument signs.
  - (A) Detached signs must be monument signs.
  - (B) Detached monument signs may only face Carlisle Street.
  - (C) The maximum height of a detached monument sign is 15 feet.

(b) In Zone 2, all signs must comply with the sign provisions for non-business zoning districts in the Dallas Development Code. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.113. PARKING.**

(a) Zone 1.

- (1) For office uses, one off-street parking space per 370 square feet of floor area of office use is required.
- (2) For retail uses, one off-street parking space per 200 square feet of floor area of retail use is required.

(3) For residential uses, one off-street parking space per 500 square feet of floor area of residential use is required. (See the following paragraphs for the requirements for hotel and motel and multiple-family uses.)

(4) For hotel and motel uses, one off-street parking space is required for each unit for units one to 250; 3/4 spaces for each unit for units 251 to 500; and 1/2 space for all units over 500. No off-street parking is required for accessory meeting rooms.

(5) For bar and restaurant uses, a bar and restaurant use in conjunction with a hotel/motel use requires one off-street parking space for each 200 square feet of floor area; otherwise, a bar and restaurant use requires one space for each 100 square feet of floor area.

(6) For multiple-family uses, a minimum of two off-street parking spaces is required for each dwelling unit, with at least 0.25 of the off-street parking spaces left unassigned for guest parking. Compact parking spaces are prohibited.

(7) Except as provided in this subsection, for all other uses, off-street parking must be provided in accordance with Chapter 51.

(8) Except for 25 parking spaces, all off-street parking spaces must be provided below grade.

(9) Except for multiple-family uses, a property owner may charge a fee on a daily, hourly, or other basis for the use of required off-street parking.

(b) Zone 2.

(1) For office uses, one off-street parking space per 370 square feet of floor area of office use is required.

(2) For retail uses, one off-street parking space per 200 square feet of floor area of retail use is required.

(3) For residential uses, one off-street parking space per 500 square feet of floor area of residential use is required. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.114. OFF-STREET LOADING.**

The off-street loading required for Zone 1 is as set forth in Chapter 51, except that all off-street loading may be medium or small size spaces with a minimum of one space being of medium size. Bar and restaurant uses in Zone 1 operated in conjunction with hotel and motel uses will be considered as hotel and motel floor area for off-street loading and will not be considered as a separate use for this purpose. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.115. ACCESS.**

(a) Zone 1. Except as provided in Section 51P-184.120, there must be no vehicular access to the Property from Cedar Springs Road, or to Cedar Springs Road from the Property, except by right turn movements.

(b) Zone 2. There must be no vehicular access to the Property from Cedar Springs Road, or to Cedar Springs Road from the Property, except by right turn movements. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.116. RESIDENTIAL REQUIREMENT.**

A minimum of 97,393 square feet of floor area of residential uses must be built on the Property before a certificate of occupancy will be issued for any nonresidential use on the Property. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.117. CONSTRUCTION STANDARDS.**

(a) The following conditions apply to the construction of the development.

(b) Any glass used in any structure on the Property must not exceed 27 percent reflectivity in accordance with standards of the American Society of Testing Manufacturers.

(c) Any aboveground parking structures must have an exterior material that is consistent, in the opinion of the building official, with the exterior material of the main nonresidential buildings. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.118. LANDSCAPING AND SCREENING.**

(a) Zone 1.

(1) In general. Except as provided in this section, landscaping must comply with the approved landscape plan (Exhibit 184C).

(2) Timing. Except as provided in this paragraph, landscaping must be provided in accordance with the landscape plan before the final inspection of any structure in Zone 1. If development is in phases, the landscaping for each phase must be provided in accordance with the landscape plan before the final inspection in that phase.

(3) Tree mitigation. Tree mitigation and preservation must be provided in accordance with Article X.

(4) Minor amendment. A minor amendment to the landscape plan is not required for relocation of up to four trees.

(5) Screening. Except ingress and egress points, parking and loading spaces must be screened from view from the street by walls and landscaping.

(6) Sidewalks. In addition to the Katy Trail access requirement in Section 51P-184.121, a minimum eight-foot-wide unobstructed sidewalk must be provided along Cedar Springs Road as shown on the landscape plan.

(7) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive



purpose of authorizing compliance with the parkway landscaping, the Katy Trail access, and the Katy Trail landscaping requirements of this article. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installation in the public rights-of-way to the satisfaction of the director of public works and transportation.

(B) An owner or tenant is not required to comply with any landscaping requirements to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(8) Parkway landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(C) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a parkway landscape permit.

(D) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(E) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(b) Zone 2. Surface parking must be screened from view from the street by walls and/or landscaping. A detailed landscape plan using the guidelines of the Oak Lawn Forum Plan must be approved by the city plan commission on or before the time of approval of each phase of the detailed development plan. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.119. ZONE 1 ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI.

(b) LEED certification.

(1) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development of a new structure within Zone 1, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional. A building permit may not be issued unless the building official determines that the project is consistent with the standards and criteria for a LEED certified designation.

(2) If during development within Zone 1, the developer is unable to achieve all of the green building rating system points identified on the checklist set forth in Paragraph (1), the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(3) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 points).

(4) LEED certification is only required for new structures within Zone 1. If an existing building is being repaired, renovated, or expanded, LEED certification is not required. (Ord. 27195)

**SEC. 51P-184.120. TRAFFIC IMPROVEMENTS.**

(a) Before a certificate of occupancy is issued for any nonresidential use other than a bar or restaurant, the following conditions must have occurred.

(1) A 10-foot-wide deceleration lane on Cedar Springs Road into the Property must be constructed.

(2) An additional 10-foot-wide lane for right turn movements from Carlisle Street onto Cedar Springs Road must be constructed for a length of at least 100 feet from the corner.

(b) Except as provided in Subsections (c) and (d), there shall be no vehicular access by left turn to the Property from Cedar Springs Road or to Cedar Springs Road from the Property.

(c) Zone 1. If Zone 1 of the Property is developed with a hotel and motel and related uses or bar or restaurant uses, vehicular access by left turn onto Zone 1 from Cedar Springs Road is permitted if a lane for left turn movements from southbound Cedar Springs Road onto Zone 1 is constructed. If such a left turn lane is constructed, the curb cut for a driveway from Zone 1 to Cedar Springs Road must be enlarged to at least 14 feet and a median must be constructed in the driveway to prevent left turns from Zone 1 onto southbound Cedar Springs Road.

(d) Zone 2. If the Property is developed with a hotel, motel, and related uses and/or bar or restaurant uses, vehicular access by left turn onto the Property from Cedar Springs Road is permitted if a lane for left turn movements from southbound Cedar Springs Road onto the Property is constructed. If such a left turn lane is constructed, the curb cut for a driveway from the Property to Cedar Springs Road must be enlarged to at least 30 feet and a median must be constructed in the driveway to prevent left turns from the Property onto southbound Cedar Springs Road. (Ord. Nos. 23975; 25508; 27195)

**SEC. 51P-184.121. KATY TRAIL.**

Before the issuance of a certificate of occupancy in Zone 1, public access must be provided from Zone 1 to the Katy Trail via sidewalk, bridge, or easement and must have a minimum unobstructed width of 10 feet. Plans and specifications for the connection to the Katy Trail must be approved by the director of parks and recreation before its construction. (Ord. 27195)

**SEC. 51P-184.122. GENERAL REQUIREMENTS.**

(a) Development of this PD must comply with the requirements of all ordinances and regulations of the city.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(c) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

(d) If a building permit is not issued to authorize work within Zone 1 by December 31, 2009, the director shall notify the commission and the commission shall call a public hearing to determine proper zoning.

(e) A certificate of occupancy or a final inspection for a residential use other than hotel and motel must be issued in Zone 1, Area A before or simultaneously with a certificate of occupancy for hotel and motel uses in Zone 1. (Ord. Nos. 23975; 25508; 26102; 27195)

**SEC. 51P-184.123. ZONING MAP.**

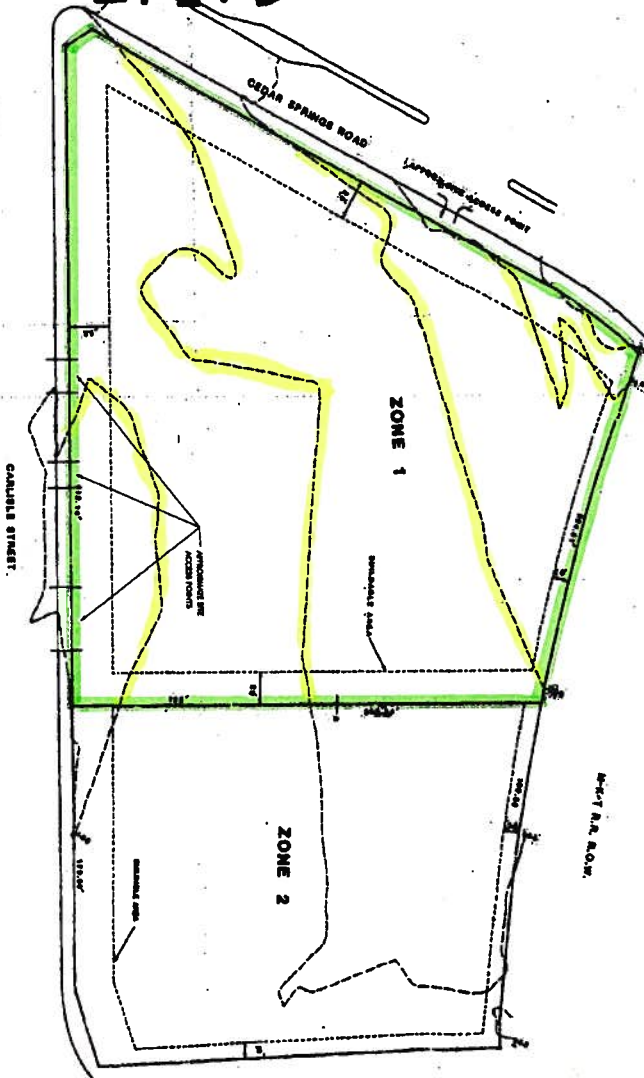
PD 184 is located on Zoning Map No. I-7. (Ord. Nos. 18445; 25508; 27195)

Exhibit 184A

081564

PLOTTED: 3/1/2008 1:58 PM

27195



Planned Development  
District No. 184

LEGEND

**ZONE 1**

- Lot Area: Minimum 50,000 sq. ft.
- Minimum Lot Width: Minimum 150 feet
- Minimum Lot Depth: Minimum 100 feet
- Setbacks: Minimum 10 feet from all property lines
- Other: Minimum 50% of lot area to be paved

**ZONE 2**

- Lot Area: Minimum 10,000 sq. ft.
- Minimum Lot Width: Minimum 50 feet
- Minimum Lot Depth: Minimum 50 feet
- Setbacks: Minimum 5 feet from all property lines

PROPOSED PROJECT  
AT CEDAR SPRINGS AND CARLSBURG



BO KA Powell  
1000 N. 15th Ave., Suite 100  
Phoenix, AZ 85012  
Tel: 602.955.1000 Fax: 602.955.1001  
www.bokapowell.com

This project was prepared by BO KA Powell on behalf of the Applicant. The Applicant warrants that the information provided is true and accurate to the best of their knowledge. BO KA Powell and its staff do not warrant or represent the accuracy of any information not provided by the Applicant. BO KA Powell shall not be held liable for any errors or omissions in this project.

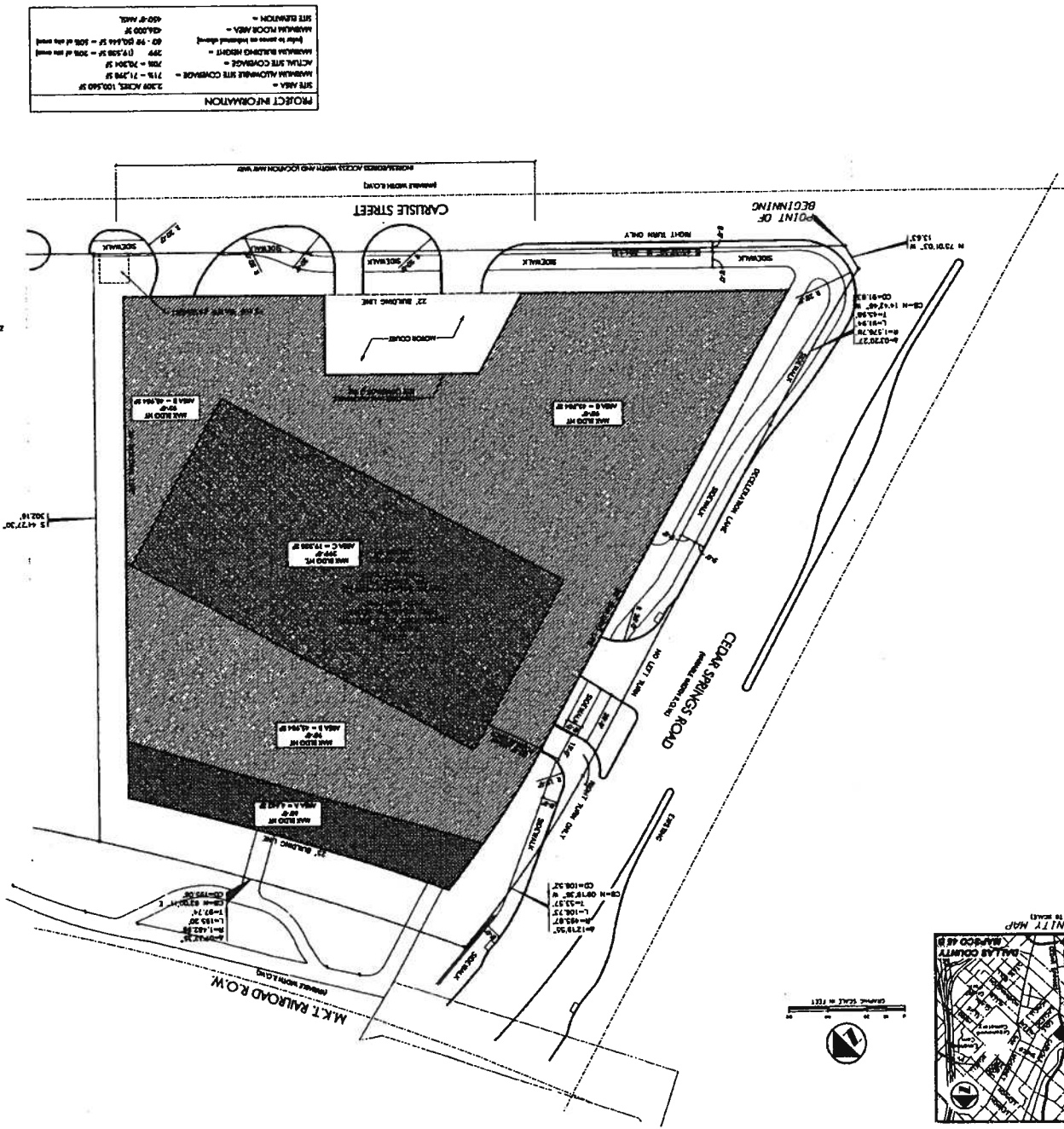
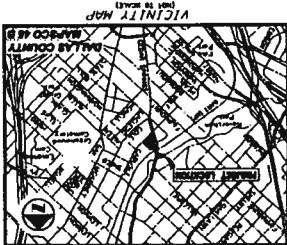
**NOT FOR CONSTRUCTION**  
This plan is not intended to be used as a construction document. It is intended only to illustrate the proposed project and is not to be used for construction purposes. All dimensions and locations shown are approximate and subject to change without notice.

CONCEPT PLAN

Project Number: 081564  
Date: 03/01/2008  
Scale: AS SHOWN

**A1.00**

27195



**PROJECT INFORMATION**

SITE AREA =	2.809 ACRES, 100,640 SF
IMPERVIOUS ALPHABETIC SITE COVER =	21% - 71,276 SF
ACTUAL SITE COVER =	20% - 70,200 SF
MAXIMUM BUILDING HEIGHT =	27'00" (17,424 SF - 50% of the total)
MAXIMUM FLOOR AREA =	43,000 SF
SITE ELEVATION =	450' ± A.M.S.L.

Planned Development  
District No. 184

**DETAILED DEVELOPMENT PLAN**  
DATE: 06.27.2008  
PROJECT NUMBER: 081564

**NOT FOR CONSTRUCTION**  
THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE GROUND BEFORE BEGINNING WORK.

**PREPARED BY:**  
BOB POWELL ARCHITECTS, INC.  
1000 BROADWAY, SUITE 200, DENVER, CO 80202  
TEL: 303.733.1111  
WWW.BOPOWELL.COM

**DESIGNED BY:**  
BOB POWELL ARCHITECTS, INC.  
1000 BROADWAY, SUITE 200, DENVER, CO 80202  
TEL: 303.733.1111  
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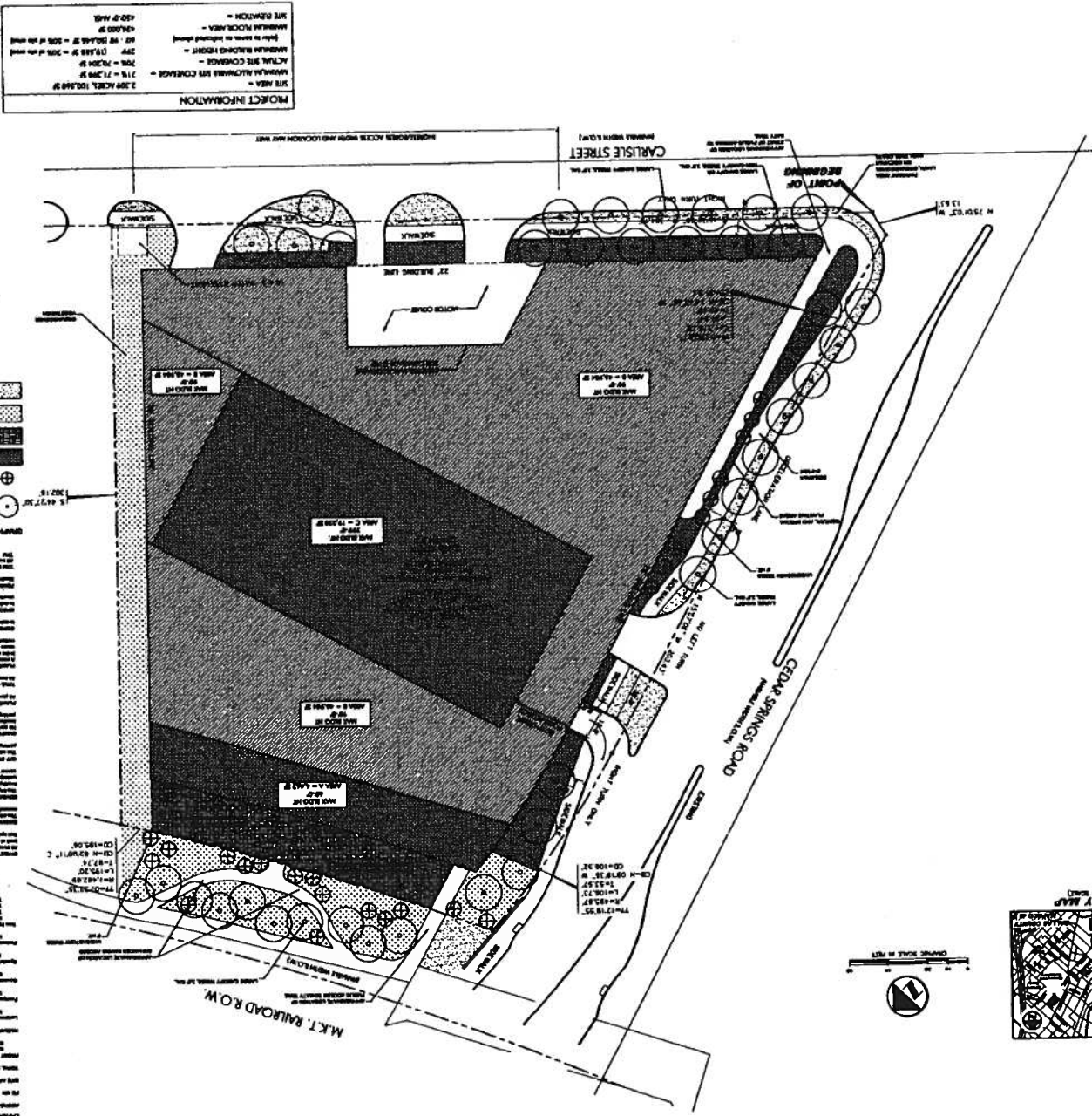
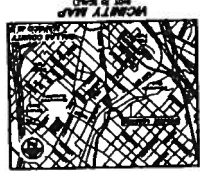
**ENGINEER:**  
JAMES L. BROWN  
1000 BROADWAY, SUITE 200, DENVER, CO 80202  
TEL: 303.733.1111  
WWW.BOPOWELL.COM





081564

27195



**PROJECT INFORMATION**

SITE AREA = 2.09 ACRES, 102,448 SF  
 MAXIMUM ALLOWABLE SETBACKS - 21 FT, 21.25 FT  
 ACTUAL SETBACKS - 21 FT, 21.25 FT  
 MAXIMUM BUILDING HEIGHT - 27 FT, 13.65 FT = 50% of lot width  
 MINIMUM FLOOR AREA - 49,000 SF  
 SETBACKS - 49.0 FT

SITE ZONING = 49.0 FT

- LAWN
- PAVED AREA
- PARKING AREA
- DRIVEWAY
- UTILITY POLE
- TREE
- SHRUB
- FICUS
- PALM
- OTHER PLANT

**Planned Development**  
 District No. 184

**CLP.1**  
 LANDSCAPE PLAN  
 NOT FOR CONSTRUCTION  
 BO KA POWER

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**PARKING DEMAND FOR  
MULTIFAMILY DEVELOPMENTS:  
'CEDAR SPRINGS AT CARLISLE'  
IN DALLAS, TEXAS**

---

*Prepared for:*

**JLB 2728 Cedar Springs, LP**  
909 Lake Carolyn Parkway, Suite 960  
Irving, Texas 75039

*Prepared by:*

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

*June 4, 2012*



**Traffic. Transportation Planning. Parking. Design.**

*Texas Registered Firm – 3199*

DeShazo #12064

DeShazo Group, Inc.  
June 4, 2012

## EXECUTIVE SUMMARY

The services of DeShazo Group, Inc. (DeShazo) were retained by JLB 2728 Cedar Springs, LP to analyze the parking needs for a proposed multifamily development to be located in the northern quadrant of the Cedar Springs Road-Carlisle Street intersection in Dallas, Texas.

The property is currently zoned under Planned Development District No. 184 (PD-184), Zone 1, which requires a minimum parking at a rate of two off-street parking spaces for each dwelling unit.

A request to the Board of Adjustment is being made to reduce the minimum parking requirement for the subject property by twenty-five percent (25%) to 1.5 parking spaces per dwelling unit. This reduced parking ratio is consistent with that required within the Oak Lawn Special Purpose District (PD-193), which surrounds the subject site.

For an estimated development containing 395 dwelling units, the required parking supply would be reduced from 790 spaces under existing, PD-184 zoning criteria to 593 spaces under the proposed criteria – a reduction of 197 spaces (25%). To validate this reduction, DeShazo applied the internally recommended parking ratio of one-space-per-bedroom -- which has been validated through many parking demand studies performed by DeShazo in the region -- and projects the peak parking demand to be approximately 494 parking spaces. Hence, even with a reduced code requirement of 593, a surplus of approximately 99 spaces is anticipated.

Approval of the reduced parking requirement is recommended.

END

Parking Analysis for Multifamily Development  
'Cedar Springs at Carlisle' - Dallas, Texas  
Executive Summary



**Traffic. Transportation Planning. Parking. Design.**

400 S. Houston Street, Suite 330  
Dallas, TX 75202  
ph. 214.748.6740  
[deshazogroup.com](http://deshazogroup.com)

## Technical Memorandum

**To:** Mr. Britton Church — *JLB 2728 Cedar Springs, LP*  
**From:** DeShazo Group, Inc.  
**Date:** June 4, 2012  
**Re:** **Parking Analysis for Multifamily Developments: 'Cedar Springs at Carlisle' in Dallas, Texas**  
*DeShazo Project No. 12064*

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### INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **JLB 2728 Cedar Springs, LP** to analyze the parking needs for a proposed multifamily development in Dallas, Texas. **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 for over 30 years.

The proposed 'Cedar Springs at Carlisle' project is a multifamily development to be served by a structured parking facility. The project is estimated to provide 395 dwelling units with 75% 1-bedroom- and 25% 2-bedroom-units (494 total bedrooms).

The subject site is located in the northern quadrant of the Cedar Springs Road-Carlisle Street intersection in Dallas, Texas. The property is currently zoned under Planned Development District No. 184 (PD-184), Zone 1. Under this PD, the current parking requirement for multifamily uses is:

**Zone 1** – "a minimum of two off-street parking spaces is required for each dwelling unit, with at least 0.25 of the off-street spaces left unassigned for guest parking."

A request to the Board of Adjustment is being made to reduce the minimum parking requirement for the subject property by twenty-five percent (25%). Using this reduction the property will provide a parking supply at a ratio of 1.5 spaces per dwelling unit. This ratio is consistent with that which is required in the Oak Lawn Special Purpose District (PD-193), which surrounds the subject site.

This memorandum is provided to validate the requested parking reduction. The analysis presented herein summarizes the projected parking demand for the proposed multifamily use based upon application of parking characteristics derived from DeShazo's professional judgment and experience from several residential parking demand studies conducted throughout the Dallas metropolitan area. This study will be provided to City of Dallas staff for technical review.

*Parking Analysis for Multifamily Development  
'Cedar Springs at Carlisle' - Dallas, Texas  
Page 1*

DeShazo Group, Inc.  
 June 4, 2012

## PARKING REDUCTION REQUEST

The requested reduction in parking requirement is tabulated below in **Table 1**:

*Table 1. Code Parking Reduction Calculation*

Scenario	Quantity	Ratio	Spaces Required
Existing Code Requirement (PD-184, Zone 1)	395 Dwelling Units	2.0 spaces per dwelling unit	790
Proposed Code Requirement (equivalent to PD-193)	395 Dwelling Units	1.5 spaces per dwelling unit	593
<i>Difference</i>	--	25%	$\Delta = 197$

The net existing code parking requirement for the proposed development based upon the estimated development scenario is 790 total spaces. The net code parking requirement based upon the proposed parking ratios is 593. Hence, the request considered in this analysis is to reduce the site's parking requirement by 25 percent, for a difference of up to 197 spaces.

## PARKING DEMAND

The composition of single- and multiple-bedroom dwelling units varies from one development to the next based upon market demands, etc. Because of this, the DeShazo studies have determined the parking demand ratio for multifamily use is most accurate and consistent when summarized on a per-bedroom basis -- in lieu of the commonly used per-unit basis or per-square-footage, which does not consider the mixture of unit types.

DeShazo has conducted numerous parking demand studies for multifamily developments that are designed with an urban character and target business-professional tenants. A peak parking demand of 1.0 space per bedroom has been repeatedly validated by these DeShazo studies.

Table 2 provides a summary of several parking demand studies conducted at various representative properties. During this data collection, all vehicles parked on site and (where applicable) on nearby streets that may be reasonably associated with the subject property were included in the study. All parking accumulation data were collected between the hours of 12:00 AM and 5:00 AM on weekdays in order to capture the overall peak demand when the maximum number of residents are parked on site.<sup>1</sup>

Results provided in Table 2 validate that the average observed parking demand is generally less than or equal to 1.0 parking space per occupied bedroom at each location. NOTE: Since the parking demand measured in this study is a rate of parking spaces per occupied bedroom, the occupancy of each individual property is taken into consideration in the calculation. In other words, no further adjustments are needed relative to occupancy.

DeShazo acknowledges that, during on-site parking data collection, it is not feasible to definitively distinguish residents versus guests. However, the DeShazo's recommended ratio of 1.0 space per

<sup>1</sup> Based upon hourly parking characteristics published in studies by the *Urban Land Institute* and the *Institute of Transportation Engineers* and documented in private studies by DeShazo, multifamily residential parking demand is highest (i.e., 100% of peak) on weekdays between the hours of 12:00 AM and 4:00 AM (and, 12:00 AM-5:00 AM for urban study sites).

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June 4, 2012

*bedroom* is a peak demand ratio based upon data obtained during the time of the day when the highest overall parking demand is expected to occur. Presumably, only a small proportion of these parked vehicles, if any, are associated with guest parking; however, any guest parking that may exist is included in the data sample. Though the proportion of guest parking may be higher during other hours of the day, the overall net parking demand remains less than 1.0 parking space per bedroom.

***Published Parking Data***

Published parking demand data from the Institute of Transportation Engineers (ITE) is calculated in parking spaces per dwelling unit; information on the number of bedrooms per unit is not available. **Table 3** provides an excerpt of published multifamily parking demand data from the ITE *Parking Generation* manual, 4<sup>th</sup> Edition (2010).

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 6/4/2012

*Table 2. DeShazo Multifamily Parking Demand Historical Database*

<b>Name of Property (Location)</b>	<b>Date of Study</b>	<b>D.U. (Total Bedrooms)</b>	<b>Percent Occupied</b>	<b>Parked Vehicles*</b>	<b>Pkg. Demand per Occupied Bedroom</b>
Post Sierra (Frisco)	2/1/2012	269 (356)	91%	313	0.97
Jefferson Place (Irving)	9/15/2011	440 (664)	98%	528	0.81
Mission at La Villita (Irving)	9/15/2011	360 (564)	94%	451	0.85
Chisholm Place (Plano)	9/15/2011	142 (219)	98%	197	0.92
AMLI Breckinridge Point (Richardson)	8/14/2008	440 (743)	87%	597	0.92
Cityville-Live Oak (Central Dallas)	9/14/2007	238 (297)	95%	259	0.92
Cityville-Fitzhugh (Central Dallas)	9/14/2007	226 (288)	97%	257	0.92
Cityville-Greenville (Central Dallas)	9/14/2007	(182)	95%	160	0.93
Legacy Village-Phase I (Plano)	11/8/2004	255 (318)	98%	315	1.01
Phoenix Midtown (Central Dallas)	12/6/2002	449 (621)	86%	479	0.90
The Heights (State Thomas)	12/6/2002	368 (431)	92%	364	0.92
Uptown Village 1&2 (Dallas)	12/6/2002	496 (585)	88%	495	0.96
Turtle Creek Villas (Turtle Creek)	12/2/2002	331 (575)	89%	429	0.84
Mockingbird Station (Central Dallas)	2/11/2002	235 (235)	89%	216	1.03
<b>AVERAGE:</b>					<b>0.92</b>

\* Includes all on-site and on-street parking facilities within close proximity to the site, where applicable.



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Table 3. Data Excerpts from Published Technical Data

Land Use	Day	No. Of Studies	Location/Area	Average Peak Parking Demand Rate
<b>Low-/Mid-Rise Apartment</b> (ITE Land Use Code: 221)	Weekday	19	Suburban	1.20 vehicles per <u>Dwelling Unit</u> (average unit contained 1.7 bedrooms)*
	Weekday	12	Urban	1.00 vehicles per <u>Dwelling Unit</u> (average unit contained 1.9 bedrooms)*
	Saturday	7	Urban	1.02 vehicles per <u>Dwelling Unit</u>
<b>&lt;OTHER (FOR REFERENCE)&gt;</b>				
<b>High-Rise Apartment</b> (ITE Land Use Code: 222)	Weekday	7	Central City, Not Downtown	1.37 vehicles per <u>Dwelling Unit</u>
<b>Residential Condominium/ Townhouse</b> (ITE Land Use Code: 230)	Weekday	5	Suburban	1.46 vehicles per <u>Dwelling Unit</u>

\* Where information was provided (i.e., select data points only).

Based upon the average bedrooms-per-unit information and the observed parking demand rates per unit, the ITE data provided for low- and mid-rise apartments is considered to support the DeShazo finding of less than 1.0 space demand per bedroom. [NOTE: ITE and ULI do not provide parking demand rates on a per-bedroom basis.]

## RECOMMENDATIONS

The purpose of this study is to validate the proposed parking reduction by presenting DeShazo's assessment of observed parking needs for the multifamily uses similar to the proposed 'Cedar Springs at Carlisle' development in Dallas, Texas. And, as warranted based upon the applicable zoning requirements, provide a basis and justification to seek a variance from those requirements.

Based upon the property's existing zoning designation, the minimum parking supply requirement is estimated to be 790 parking spaces. This requirement does not consider commensurately the lower parking demand created by the high ratio of 1-bedroom dwelling units. DeShazo's estimated parking demand for the proposed development is expected to be adequately served by only 494 parking spaces (a ratio of 1.0-space per bedroom). In order to provide a more equitable requirement that is comparable to the criteria applied to other developments in the area, application of 1.5 spaces per dwelling units, which is consistent with the Oak Lawn Special Purpose District parking ratio, is recommended. Table 4 summarizes the details of requested reduction.

Table 4. Parking Reduction Summary

CONDITION	PARKING REQUIREMENT
Existing Zoning Requirement (PD-184)	790 spaces
Proposed Parking Supply (per PD-193)	593 spaces
Requested Parking Reduction	197 spaces
>> DeShazo's Projected Need <<	494 spaces
>> DeShazo's Projected Surplus <<	+99 spaces

## REQUEST

The subject of this study is a request to reduce the required parking for the subject property by 25 percent (or, up to 197 parking spaces). Based upon the findings of this analysis of the parking demands for multifamily uses, the code parking requirement under the proposed rate will yield a more nearly optimized parking supply for the proposed development than the original code requirement while providing an ample surplus.

A reduction of required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.311(a)(2):

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

Off-street parking supply will be provided on-site and will be exclusive for residents and visitors, 24 hours a day.

(B) *Parking demand and trip generation characteristics of all uses for which an exception is requested.*

The projected parking demand takes into consideration the needs of all residents and visitors based upon empirical data collected at various residential developments throughout the Dallas metropolitan area further validated by national published data of more specifically similar land uses published by the ITE *Parking Generation* manual, 4<sup>th</sup> edition.

(C) *Whether the subject property is part of a modified delta overlay district.*

The requested parking reduction is based upon the site's multifamily parking demand characteristics and is not based upon any special zoning adjustments.

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

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

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

The site is currently within convenient walking distance of two DART public transit bus routes -- 021 and 039. In addition, the site is very near the MATA/DART M-Line Streetcar line (DART Route 825). Public transit provides an attractive alternative mode of transportation for residents of this multifamily residential development.

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*June 4, 2012*

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

DART public transit is a parking mitigation measure as it presents a viable transportation alternative for many residents.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the parking operations during typical peak hours. It is presumed that it is in the best interest of the property owners to provide an appropriate parking environment to their residents.

**END OF MEMO**

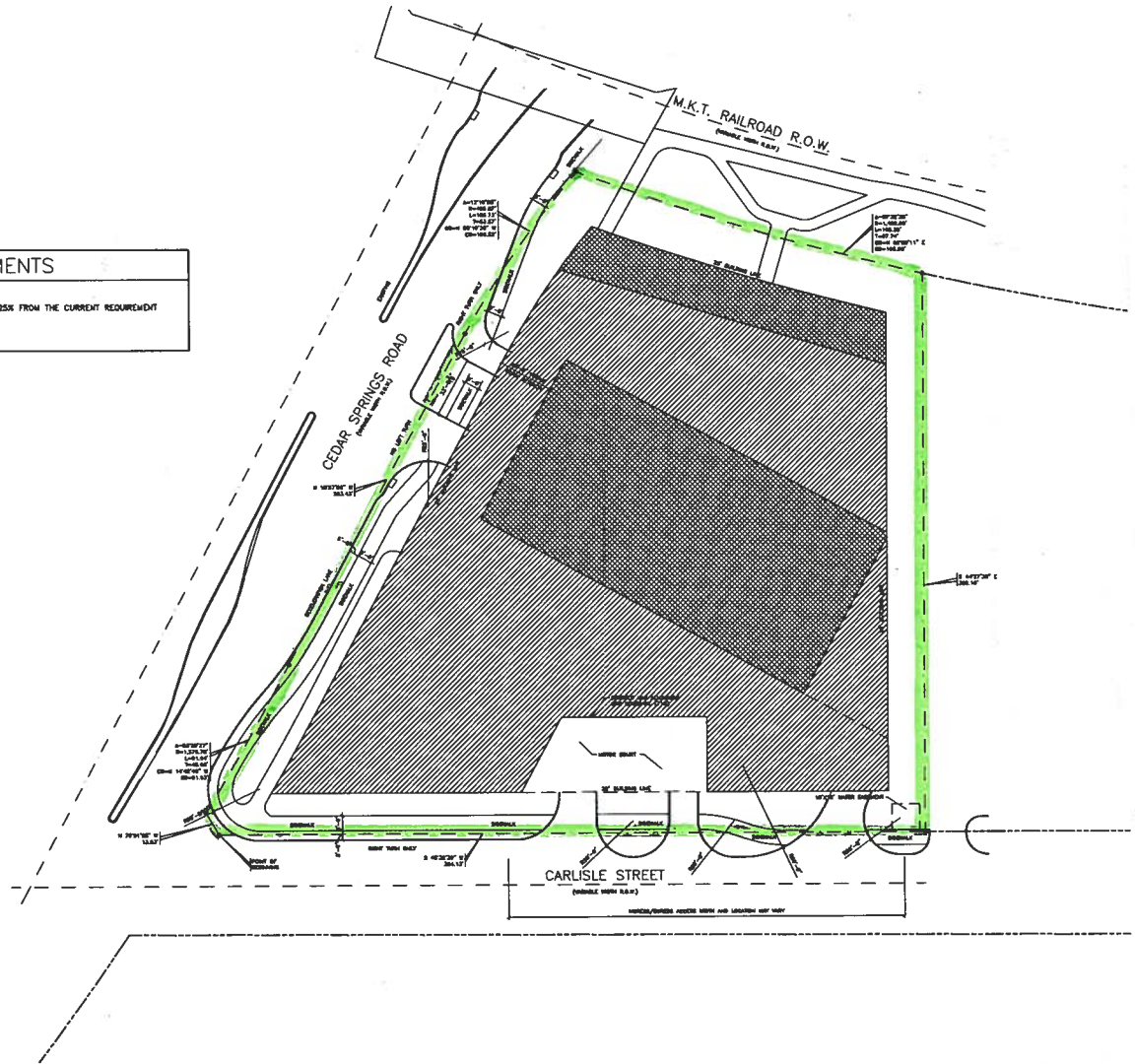


**MULTIFAMILY PARKING REQUIREMENTS**

CURRENT REQUIREMENTS: 2 SPACES PER UNIT

PROPOSED REQUIREMENT: MULTIFAMILY USES TO BE PARKED AT A REDUCTION OF 25% FROM THE CURRENT REQUIREMENT WHICH EQUATES TO A PARKING REQUIREMENT OF 1.5 SPACES PER UNIT.

NOTE: ALL OTHER USES TO BE CALCULATED PER REQUIREMENTS IN PD 184.



Authorization

Design Team

DESIGNER/ARCHITECT:  PROJECT ARCHITECT/DESIGNER:

ARCHITECT:  ARCHITECT CONSULTANT (A.C.):

ARCHITECT:  ARCHITECT CONSULTANT (A.C.):

REVISIONS

NO.	DATE	DESCRIPTION

JOB NO.:

12011

PROF. REG. NO.:

A

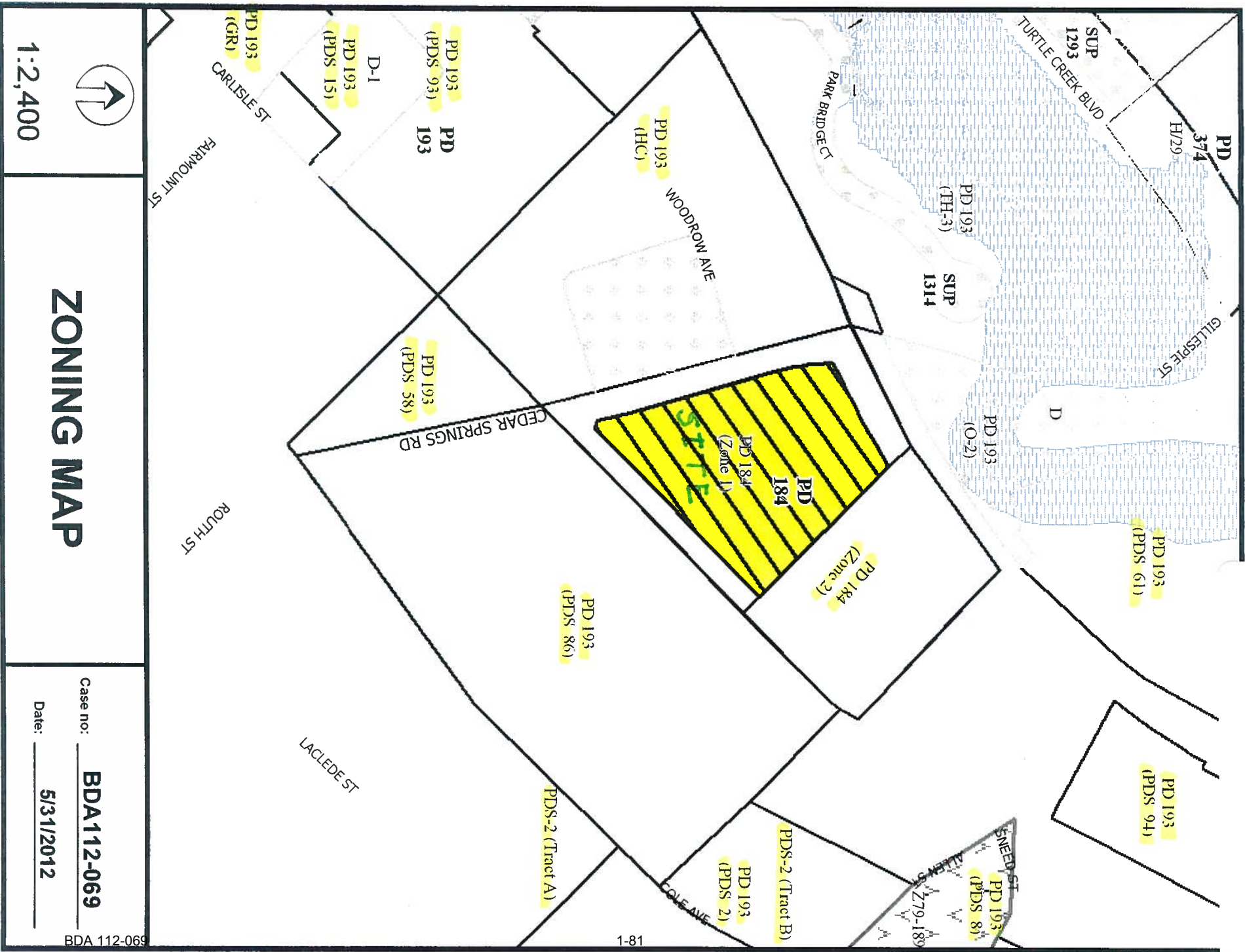
**COMPARISON CHART**

**Multifamily off-street parking requirements;  
P.D. 184, Zone 1, compared to surrounding development  
(see Zoning Map excerpt for locations)**

	<b>Zoning Classification</b>	<b>Multifamily Parking Required</b>
1.	P.D. 184, Zone 1 (subject site)	2.0 spaces per dwelling unit
2.	P.D. 184, Zone 2 (Gables at Katy Trail)	1 space per 500 square feet (excludes “common area”)
3.	P.D. 193 (no P.D. Subdistrict)	1 space per 500 square feet (over 36’: min. 1.0, max. 1.5 per unit)
4.	P.D. 193, P.D.S. 2 (Post Square)	1.25 spaces per unit, maximum of 208 spaces
5.	P.D. 193, P.D.S. 8 (developed as office)	1 space per bedroom
6.	P.D. 193, P.D.S. 15	Minimum of 378 spaces for a maximum of 254 units (1.49/unit)
7.	P.D. 193, P.D.S. 58 (Wells Fargo Bank)	Standard P.D. 193 (but not a residential development)
8.	P.D. 193, P.D.S. 61	Retirement housing, 1.2 spaces/unit (otherwise, standard P.D. 193)
9.	P.D. 193, P.D.S. 86 (Gables Villa Rosa)	Standard P.D. 193 (over 36 feet)
10.	P.D. 193, P.D.S. 93 (Gables, Routh at Carlisle)	Not online or at Current Planning; project is 7 stories.
11.	P.D. 193, P.D.S. 94 (Alamo Manhattan; under construction)	Standard P.D. 193 (over 36 feet)

Note also that P.D. 225 (State-Thomas) and P.D. 305 (Cityplace), both very successful urban redevelopment areas, each only require one space per dwelling unit.





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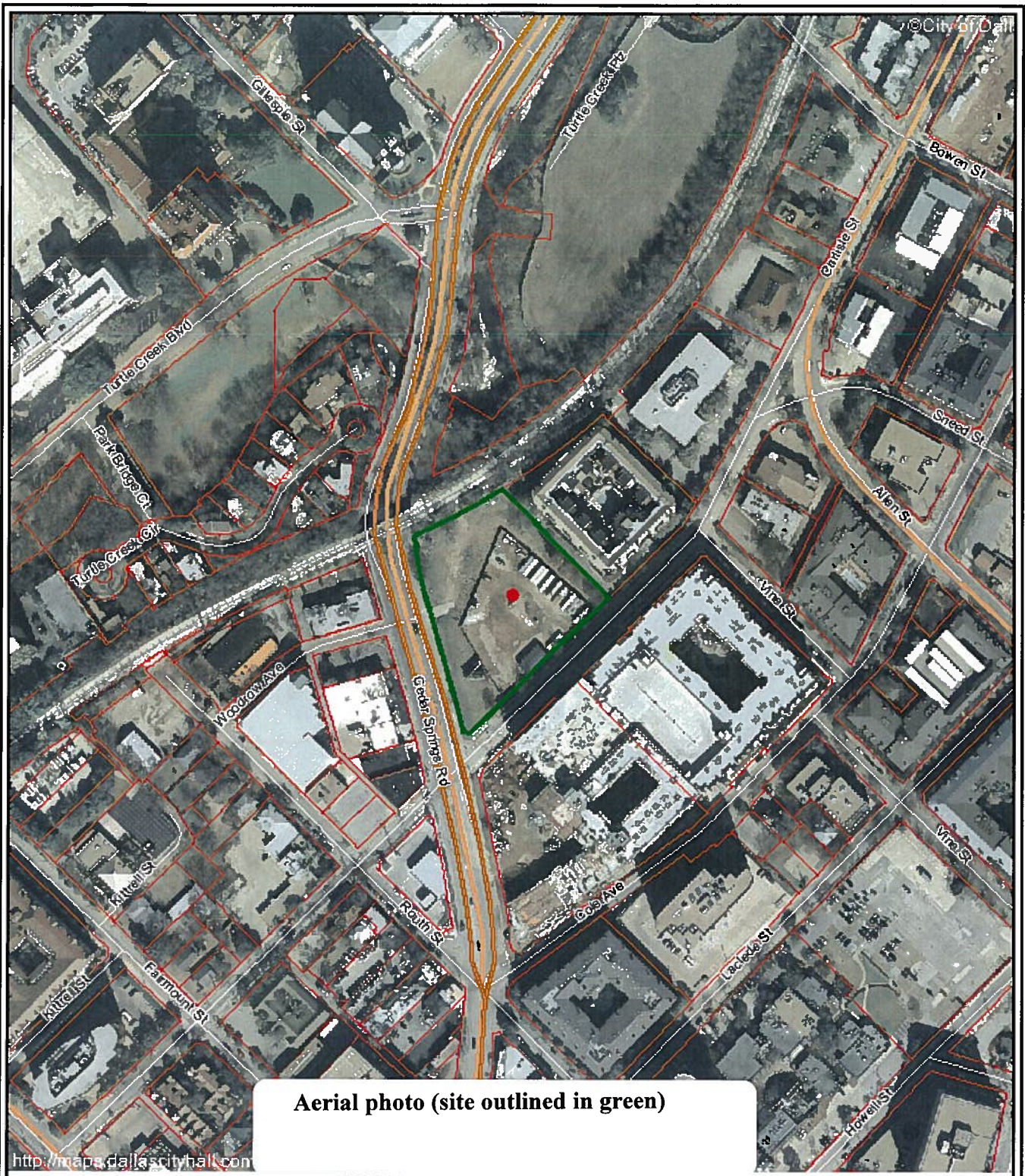


# ZONING MAP

Case no.: **BDA112-069**

Date: **5/31/2012**





**Aerial photo (site outlined in green)**

<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.







More recent aerial photo (site outlined in green)

Attachment D, Page 32





**View of site from Cedar Springs and Carlisle; note slope; PD 184, Zone 2, in background.**



**View of site towards east; Gables Villa Rosa in background.1-84**



**View from site looking south; shows retail, commercial, dense multifamily uses.**



**View from site looking west – shows restaurant, office, dense multifamily uses.**





**Closer view of PD 184, Zone 2 (Gables at Katy Trail).**



**View of Gables Villa Rosa, across Carlisle Street from the site.**





**View of Gables project under construction (P.D. 193, P.D.S. 93)**



**View of nearby multifamily project (Vine Street and Cole Avenue).**

**VARIANCES FOR PARKING REDUCTIONS IN P.D.S**

**(2009 TO DATE)**

- | <b><u>Date</u></b>   | <b><u>BDA No.</u></b> | <b><u>Address</u></b> | <b><u>Zoning</u></b> | <b><u>Staff Rec.</u></b> |
|--|-----------------------|-----------------------|----------------------|--------------------------|
| 1. May 20, 2009  | BDA 089-029           | 1610 Cedar Springs    | P.D. 193(I-2)        | Denial                   |
| (Staff Report says parking study didn't justify reduction; didn't substantiate hardship) |                       |                       |                      |                          |
| 2. Sept. 15, 2009  | BDA 089-099           | 3818 Cedar Springs    | P.D. 193(GR)         | Denial                   |
| (Staff Report says no documentation for parking reduction; existing structure)           |                       |                       |                      |                          |
| 3. Dec. 14, 2009   | BDA 090-013           | 2731 Lemmon           | P.D. 375             | <b>Approval</b>          |
| (Staff Report says P.D. parking requirement much higher than normal; like ours)          |                       |                       |                      |                          |
| 4. April 19, 2011  | BDA 101-035           | 4512 W. Davis         | P.D. 811             | <b>Approval</b>          |
| (request for 19% reduction; same Code issue on special exception as our case)            |                       |                       |                      |                          |
| 5. Oct. 18, 2011   | BDA 101-096           | 3300 Knox             | P.D. 193(LC)         | Denial                   |
| (Staff Report says no parking study provided; structure already existed)                 |                       |                       |                      |                          |
| 6. Nov. 16, 2011   | BDA 101-106           | 1899 McKinney         | P.D. 193(HC)         | <b>Approval</b>          |
| (51% reduction; conditioned on remote parking)   |                       |                       |                      |                          |

**MOTION: Moore**

I move that the Board of Adjustment, in Appeal No. **BDA 090-011**, on application of Tommy Mann, **grant** the request of this applicant to reduce the number of required off-street parking spaces in the Dallas Development Code by 6 parking spaces, because our evaluation of the property and the testimony shows that the parking demand generated by the proposed use on the site does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard nor increase traffic congestion on adjacent and nearby streets. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- The special exception shall automatically and immediately terminate if and when the church use on the site is changed or discontinued.

**SECONDED: Maten**

**AYES: 4 –Moore, Maten, Gaspard, Salinas**

**NAYS: 1– Boyd**

**MOTION PASSED: 4 – 1**

\*\*\*\*\*

**FILE NUMBER: BDA 090-013**

**BUILDING OFFICIAL’S REPORT:**

Application of Robert Reeves for a **variance to the parking regulations** at 2731 Lemmon Avenue. This property is more fully described as Lot 4A in City Block 1/634 **and is zoned PD 375** which requires parking to be provided. The applicant proposes to construct a structure for a hospital use and provide **47** of the required 126 parking spaces which will require a **variance of 79 spaces.**

**LOCATION: 2731 Lemmon Avenue**

**APPLICANT: Robert Reeves**

**REQUEST:**

- A variance to the off-street parking regulations of 79 spaces (or a 63 percent reduction of the required off-street parking) is requested in conjunction with replacing an existing vacant office structure on the subject site with a new 24-bed, approximately 63,000 square foot hospital structure (Mary Sheils Hospital). The applicant proposes to provide 47 (or 37%) of the 126 off-street parking spaces required in PD No. 375.

**STAFF RECOMMENDATION:**



## Approval

### Rationale:

- The subject site's irregular/virtually triangular shape precludes the applicant from developing it in a manner commensurate with the development on other PD No. 375 zoned lots.
- Granting the variance would not be contrary to the public interest since the applicant is proposing to provide almost twice the number of required off-street parking spaces for the proposed 24-bed hospital if the site were located on property with any zoning classification listed in Chapter 51(A) that permits "hospital" use rather than located on property zoned PD No. 375 – a "tailor-made" zoning district that was recently amended to include "hospital" use but a PD zoning district that provides no specific off-street parking requirement for "hospital" use.
- The Sustainable Development Department Project Engineer has no objections to this request.

### STANDARD FOR A VARIANCE:

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

- (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.

### GENERAL FACTS:

- The subject site is located in PD No. 375 – a planned development zoning district that lists specific off-street parking requirements for 1) office-related uses, 2) retail-related uses, 3) multifamily uses, and 4) "all other permitted uses." The application involves constructing and maintaining a structure as a hospital use that would be categorized in the inventory of uses described in PD No. 375 as "all other permitted uses" where one off-street parking space must be provided for every 500 square feet of floor area unlike the off-street parking requirement of one space for each patient bed for the "hospital" use listed in Chapter 51(A).  
The submitted site plan denotes a building area with 62,910 GSF which would require the provision of 126 off-street parking spaces given the off-street parking requirement in PD No. 375. The applicant proposes to provide 47 of the PD-required

126 spaces. (If the site were located in a zoning district listed in Chapter 51A, with as represented on the submitted application, a "new 24 bed Mary Shiels Hospital" then only 24 off-street parking spaces would be required.)

According to application and Building Official's Report, the applicant proposes to provide 47 (or 37%) of the required 125 parking spaces that would be required for a structure with 62,910 square feet of hospital use or in this case since the site is located in PD No. 375 with no such specific category: "all other permitted uses."

- This board of adjustment parking reduction request of 63 percent must be "varied" rather than "special excepted" - the option where the parking reduction is less than 25 percent of the required parking.
- The subject site is flat, virtually triangular in shape (234' x 301' x 244') and, according to the application, 0.95 acres in area. The site is zoned PD No. 375.
- DCAD records indicate that the site is developed with an "office building" with 23,040 square feet built in 1970.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A). This information included the following:
  - a narrative that provided additional details and information about the request;
  - a rendering of the proposed hospital structure;
  - a zoning map of the site and surrounding area;
  - an aerial of the site and surrounding area; and
  - a site plan entitled "Proposed Parking Plan."

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 375 (Planned Development)  
North: PD No. 375 (Planned Development)  
South: PD No. 225 (Planned Development)  
East: PD No. 375 (Planned Development)  
West: PD No. 193 (O-2) (Planned Development Office)

**Land Use:**

The subject site is developed with a vacant structure that appears to have been a hospital use. The area to the north is undeveloped; the area to the east is North Central Expressway; the area to the south is a cemetery (Freedman's Memorial Cemetery); and the area to the west appears to be developed with medical/hospital use.

**Zoning/BDA History:**

- |  |   |
|--|---|
| 1. BDA 045-260, Property at 2731 Lemmon Avenue (the subject site). | On July 29, 2005, the applicant withdrew a request for a variance to the FAR regulations. |
| 2. Z089-150, Area generally bounded                                | On August 10, 2009, the City Council  |

by Lemmon Avenue East, the eastern half of the abandoned portion of Howell Street, and Lemmon Avenue West. (A site that includes tracts of land including the subject site).

created an ordinance that amended the conceptual plan and conditions for the Tract II portion of Planned Development District No. 375 for Retail, Office, and Residential Uses – a tract of land that is the subject site of this board of adjustment application.

**Timeline:**

- November 4, 2009: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- Nov. 17, 2009: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- Nov. 18, 2009: 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 November 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- Nov. 30, 2009 The applicant submitted additional information to the Board Administrator to be discussed at the staff review team meeting.
- Dec. 1, 2009 The Board of Adjustment staff review team meeting was held regarding this application and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development Department's Current Planning Division, the Board of Adjustment Chief Planner, the Board Administrator, the Chief Arborist, the Sustainable Development Department Project Engineer, the Building Inspection Development Code Specialist, and the Assistant City Attorney to the Board.
- Dec. 3, 2009 The applicant submitted additional information to the Board Administrator to be forwarded to the board members (see Attachment A).
- Dec. 4, 2009 The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections."

**STAFF ANALYSIS:**

- This request focuses constructing and maintaining an approximately 63,000 square foot hospital structure on a site developed with a vacant office structure, and providing almost twice the number of off-street parking spaces that would be required for a 24-bed hospital if the site was located in a zoning classification listed in Chapter 51(A) that permits "hospital" use – the applicant proposes to provide 47 spaces and the 24-bed hospital in a Chapter 51(A) zoning district would require only 24 parking spaces or 1 parking space per bed.
- The applicant seeks a variance to the PD No. 375 parking requirement of 1 space per 500 square feet of floor area (where 126 spaces would be required for the approximately 63,000 square foot hospital structure) since PD No. 375 has no specific parking requirement for the permitted "hospital" use.
- The request to reduce the number of the PD No. 375 required 126 parking spaces on the site by 79 spaces as opposed to a *special exception* to the parking regulations since the amount of reduction being requested is more than 25% of the total number of parking spaces required.
- The subject site is flat, virtually triangular in shape (234' x 301' x 244') and, according to the application, 0.95 acres in area. The site is zoned PD No. 375.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the parking regulations of 79 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 PD No. 375 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 PD No. 375 zoning classification.
- The Sustainable Development Department Project Engineer has no objections to this request.

**BOARD OF ADJUSTMENT ACTION: DECEMBER 14, 2009**

**APPEARING IN FAVOR:** Robert Reeves, 900 Jackson St., Dallas, TX  
Steven Wheeler, 14241 N. Dallas Pkwy, Dallas, TX  
Luke Peters, 14241 N. Dallas Pkwy, Dallas, TX

**APPEARING IN OPPOSITION:** No one

**MOTION:** Salinas

I move that the Board of Adjustment, in Appeal No. **BDA 090-013**, on application of Robert Reeves, **grant** the 79 parking space variance to the off-street parking



regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

**SECONDED:** Moore

**AYES:** 4 – Boyd, Moore, Maten, Salinas

**NAYS:** 1–Gaspard

**MOTION PASSED:** 4 – 1

\*\*\*\*\*

**FILE NUMBER:** BDA 090-001

**BUILDING OFFICIAL’S REPORT:**

Application of Pyong Dean, represented by William A. Bratton III, to appeal the decision of the administrative official at 2644 Walnut Hill Lane (aka 2642 Walnut Hill Lane). This property is more fully described as tract 10 in City Block A/6469 and is zoned IR which requires a certificate of occupancy for its use. The building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations; or a required license to operate the use has not been issued. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 2644 Walnut Hill Lane (aka 2642 Walnut Hill Lane)

**APPLICANT:** Pyong Dean  
Represented by William A. Bratton III

**REQUEST:**

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official’s September 11, 2009 revocation of certificate of occupancy no. 0604121114 for a personal service use (Dupond Studio) at 2644 Walnut Hill Lane. The applicant states that “the premise is not being operated as a massage establishment and this application for the certificate of occupancy was not false, incomplete or contain false information.”

The Board of Adjustment should determine if the applicant complied with the Dallas Development Code provision related to the posting of the notification sign on the subject site with the findings that: 1) no notification sign was posted on the site when the Board Administrator conducted his field visit on November 6th -36 days after the application was submitted on October 1st, and 2) that the notification sign was not

**BOARD OF ADJUSTMENT  
CITY OF DALLAS, TEXAS**

**TUESDAY, APRIL 19, 2011**

**FILE NUMBER:** BDA 101-035

**BUILDING OFFICIAL'S REPORT:**

Application of Jonathan Vinson for a variance to the parking regulations at 4512 W. Davis Street. This property is more fully described as a 4.867 acre tract of land in City Block 7212 and is zoned PD-811 (Subarea D) which requires parking to be provided. The applicant proposes to construct a residential structure for multifamily use and provide 134 of the required 166 parking spaces which will require a variance of 32 spaces.

**LOCATION:** 4512 W. Davis Street

**APPLICANT:** Jonathan Vinson

**REQUEST:**

- A variance to the off-street parking regulations of 32 spaces (or a 19 percent reduction of the off-street parking space requirement) is requested in conjunction with constructing and maintaining an approximately 104,000 square foot, 130-unit multifamily development on an undeveloped lot. The applicant proposes to provide 134 (or 81%) of the 166 parking spaces required by the zoning ordinance of PD No. 811.

**STAFF RECOMMENDATION:**

**Approval**

**Rationale:**

- The Sustainable Development Department Project Engineer has no objections to this off-street parking reduction request – therefore, granting this parking reduction variance is not contrary to the public interest.
- The applicant has substantiated how the variance to the parking regulations is necessary to permit development of the site which is different from other lots by its restrictive size, shape, or slope. The site is irregular in shape, sloped, has a substantial amount of tree cover that in turn limits the amount of its developable space unless trees are removed; and has a drainage easement that precludes the placement of structures over it on the site.

**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.

**GENERAL FACTS:**

- PD No. 811 requires the following off-street parking requirement for multifamily use: a minimum of 1 space for each efficiency dwelling unit and for each dwelling unit with one bedroom; 1 ½ spaces for each dwelling unit with two or more bedrooms.  
The applicant has submitted a “development plan”/site plan denoting 58 spaces required for the total amount of one bedroom apartments on the site and 108 spaces required for the total amount of two bedroom apartments on the site.  
According to application and Building Official’s Report, the applicant proposes to provide 134 (or 81%) of the 166 parking spaces that would be required by ordinance for the 130 units that are proposed.
- The Dallas Development Code states that the Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; 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.
- However, the Dallas Development Code states that the Board of Adjustment shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or

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

- The applicant must seek his 19 percent off-street parking reduction request to the board as a variance (as opposed to the more typical special exception) since PD No. 811 expressly specifies a number of spaces required for multifamily use – a parking requirement of a minimum of 1 space for each efficiency dwelling unit and for each dwelling unit with one bedroom; and 1 ½ spaces for each dwelling unit with two or more bedrooms which is different from the Dallas Development Code – a requirement of generally 1 space per 500 square feet of floor area.
- The subject site appears to be somewhat sloped, irregular in shape, and according to the application, 4.867 acres in area. The site is zoned PD No. 811(Subarea D).
- DCAD records indicates “no improvements” on the site.
- On April 8, 2011, the applicant submitted additional information for the board’s consideration beyond what was submitted with the original application (see Attachment A).

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 811 (Subarea D) (Planned Development)  
North: PD No. 811 (Subarea E) (Planned Development)  
South: PD No. 811 (Subarea D) (Planned Development)  
East: PD No. 811 (Subarea D) (Planned Development)  
West: PD No. 193 and IR (Planned Development and Industrial Research)

**Land Use:**

The subject site is undeveloped. The areas to the north, east, and south are undeveloped; and the area to the west is developed with office/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:**

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

March 17, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.



- March 17, 2011: 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 April 4<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 4, 2011: The applicant forwarded additional information beyond what was submitted with the original application for staff to review and consider.
- April 5, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- April 7, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections."
- April 8, 2011: The applicant forwarded additional information beyond what was submitted with the original application and beyond what was discussed at the April 5<sup>th</sup> staff review team meeting (see Attachment A).

**STAFF ANALYSIS:**

- This request focuses on providing 81 percent of the required off-street parking spaces in conjunction with constructing and maintaining an approximately 104,000 square foot, 130-unit multifamily development on an undeveloped lot. (The applicant proposes to provide 134 of the 166 off-street parking spaces required by the zoning ordinance of PD No. 811).
- The request to reduce the number of the required 166 parking spaces on the site by 32 spaces (or by 19 percent) must be considered by the board as a *variance* request (as opposed to the more typical special exception request) given Dallas Development Code provisions and that the site is located in PD No. PD No. 811 – a Planned Development District that expressly specifies a

number of spaces required for multifamily use (that being a minimum of 1 space for each efficiency dwelling unit and for each dwelling unit with one bedroom; and 1 ½ spaces for each dwelling unit with two or more bedrooms) that is different from the parking requirement for multifamily use provided in the Dallas Development Code (that being generally 1 space per 500 square feet of floor area).

- If the site were located outside of PD No. 811 in a general zoning classification that permits multifamily use, the same 32 space (or 19 percent) reduction request could be made as a *special exception* to the parking regulations since the amount of reduction being requested is less than 25% of the total number of parking spaces required.
- The subject site appears to be somewhat sloped, irregular in shape, and according to the application, 4.867 acres in area. The site is zoned PD No. 811(Subarea D).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the parking regulations of 32 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 PD No. 811 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 PD No. 811 zoning classification.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked "Has no objections" to the request.

**SECONDED: Duarte**  
**AYES:** 2– Leone, Duarte  
**NAYS:** 3 – Reynolds, Gillespie, Wilson  
**MOTION FAILED 2 – 3**

**MOTION #3: Gillespie**

I move that the Board of Adjustment, in Appeal No. **BDA 101-103**, on application of Ronnie Deford, **deny** the special exception requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

**SECONDED: Wilson**  
**AYES:** 5– Reynolds, Gillespie, Wilson, Leone, Duarte  
**NAYS:** 0 –  
**MOTION PASSED 5 – 0** (unanimously)

\*\*\*\*\*

**FILE NUMBER:** BDA 101-106

**BUILDING OFFICIAL’S REPORT:**

Application of Joe Cavagnaro, represented by Matt Cragun, for a **variance to the off-street parking regulations** at 1899 McKinney Avenue. This property is more fully described as being Block 293 and is **zoned PD-193 (HC)**, which requires parking to be provided. The applicant proposes to construct/maintain a structure for a restaurant without drive-in or drive-through service use and provide 35 of the required 71 parking spaces, which will require a variance of 36 spaces.

**LOCATION:** 1899 McKinney Avenue

**APPLICANT:** Joe Cavagnaro  
Represented by Matt Cragun

**REQUEST:**

- A variance to the off-street parking regulations of 36 parking spaces (or a 51 percent reduction of the 71 off-street parking spaces that are required) is requested in conjunction with maintaining an approximately 7,100 square foot structure as “restaurant without drive-in or drive through service” use (Glass at 1899).

**STAFF RECOMMENDATION:**

**Approval**, subject to the following condition:

- The applicant shall provide 71 off-street parking spaces within a walking distance of 600 feet from the subject site.

**Rationale:**

- Staff concludes that a literal enforcement of the off-street parking regulations would result in unnecessary hardship to the applicant. The site is virtually triangular in shape, 0.4 acres in area, and according to DCAD records developed with an "office building" built in 1966. The irregular shape of the site along with its relatively small area for development precludes the applicant from providing the required off-street parking for the use of the structure on the site built in the 1960's on the site.
- Furthermore, granting the variance to the off-street parking regulations does not appear to be contrary to public interest with the staff suggested condition imposed - the Sustainable Development Department Project Engineer has no objections to the request. In this particular case, the applicant is providing/would be required to provide (if the staff suggested condition is imposed) the entire amount of off-street parking required for the use/size of the structure on the subject site but not in accordance to the specific "special parking regulation" within PD No. 193 that requires that at least 50 percent of the off-street parking required for any other main use must be located on the same lot as that use or on a lot directly adjacent to or across an alley from that use.

**STANDARD FOR A VARIANCE:**

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

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

**GENERAL FACTS:**

- PD No. 193 requires an off-street parking requirement of 1 space per 100 square feet of "restaurant without drive-in or drive-through service" use. PD No. 193 additionally provides certain "special parking regulations" with a "general standard" stating: "At least 50 percent of the off-street parking required for any other main use must be located on the same lot as that use or on a lot directly adjacent to or across an alley from that use."  
The application and Building Official's report states that variance is sought for 36 spaces where the City recognizes the applicant providing 35 (or 49 percent) of the 71 off-street parking spaces required in conjunction maintaining the existing 7,143 square foot structure with "restaurant without drive-in or drive-through service" use.



- The parking provisions mentioned above allow the City to recognize only 35 (or 49 percent) of the 71 off-street parking spaces required for this sized structure leased with this specific use even though the applicant is providing 100 percent of the required parking for the use on the subject site at a location not on the same lot as the use, and not on a lot directly adjacent to or across an alley from that use. The applicant's representative has submitted a site plan and a letter (see Attachment A) documenting that 71 parking spaces required for the use on the subject site are provided in a remote parking agreement at 1900 Cedar Springs – a location that begins approximately 300' north of the subject site and across St. Paul Street from the subject site.
- The site is somewhat sloped, virtually triangular in shape, and according to the application, 0.447 acres in area. The site is zoned PD No. 193 (HC).
- DCAD records indicate that the "improvements" at 1899 McKinney is an "office building" with 7,953 square feet built in 1966.

**Zoning:**

<u>Site:</u>	PD No. 193 (HC) (Planned Development, Heavy Commercial)
<u>North:</u>	PD No. 193 (HC) (Planned Development, Heavy Commercial)
<u>South:</u>	PD No. 193 (HC) (Planned Development, Heavy Commercial)
<u>East:</u>	PD No. 193 (HC) (Planned Development, Heavy Commercial)
<u>West:</u>	PD No. 193 (HC) (Planned Development, Heavy Commercial)

**Land Use:**

The subject site is developed an approximately 7,100 square foot "restaurant without drive-in or drive through service" structure/use (Glass at 1899). The areas to the north, east, south, and west is developed with a mix of uses, most of which appear to be office uses.

**Zoning/BDA History:**

1. BDA 001-155, Property at 1899 McKinney Avenue (the subject site)  
On February 20, 2001, Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition. The case report stated that the request was made in conjunction with renovating and expanding an existing office building on the site where the existing building footprint would remain intact and eight floors would be added atop that would include 19 residential units.

**Timeline:**

- August 26, 2011: 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 14, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- October 19, 2011: 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 October 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 28, 2011: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- November 1, 2011: 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 Assistant Director, the Acting Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.
- November 3, 2011: The Sustainable Development Department Project Engineer submitted a Review Comment Sheet marked "Has no objections."

**STAFF ANALYSIS:**

- The request focuses on maintaining an approximately 7,100 square foot structure as "restaurant without drive-in or drive through service" use (Glass at 1899) where the City only recognizes 35 required off-street parking spaces as being provided off-street parking spaces.
- The applicant is not adhering to PD No. 193's "special parking regulation" that requires "At least 50 percent of the off-street parking required for any other main use must be located on the same lot as that use or on a lot directly adjacent to or across an alley from that use."
- While the applicant is providing 71 off-street parking spaces or 100 percent of the required parking for the use on the subject site, all 71 off-street parking spaces

required for the use on the subject site are being provided in a remote parking agreement at 1900 Cedar Springs – a parking garage location that begins approximately 300' north of the subject site and across St. Paul Street from the subject site. The "special parking regulation" mentioned above only allows the City to recognize only half of the required 71 off-street parking spaces for the use on the subject site in this location.

- The Sustainable Development and Construction Department Project Engineer has submitted a Review Comment Sheet marked "Has no objections."
- The site is somewhat sloped, virtually triangular in shape, and according to the application, 0.447 acres in area. The site is zoned PD No. 193 (HC).
- DCAD records indicate that the "improvements" at 1899 McKinney is an "office building" with 7,953 square feet built in 1966.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (LC) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 193 (LC) zoning classification.
- If the Board were to grant this request and impose the staff suggested condition, the applicant would be required to provide 71 off-street parking spaces required for the 7,100 square foot restaurant use on the subject site within a walking distance of 600 feet from the subject site.

**BOARD OF ADJUSTMENT ACTION:    NOVEMBER 16, 2011**

**APPEARING IN FAVOR:**            Joe Cavagnaro, 14785 Preston Rd., #750, Dallas, TX

**APPEARING IN OPPOSITION:** No one

**MOTION: Leone**

I move that the Board of Adjustment, in Appeal No. **BDA 101-106**, on application of Joe Cavagnaro, represented by Matt Cragun, **grant** the 36 space off-street parking variance requested by the applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- 71 off-street parking spaces must be provided for the restaurant use within a walking distance of 600 feet from the subject site.

**SECONDED: Wilson**

**AYES: 5– Reynolds, Gillespie, Wilson, Leone, Duarte**

**NAYS: 0 –**

**MOTION PASSED 5 – 0 (unanimously)**

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**FILE NUMBER: BDA 101-107**

**BUILDING OFFICIAL’S REPORT:**

Application of Jackson Walker, LLP, represented by Susan Mead and Jonathan Vinson, for a variance to the height regulations at 3700 McKinney Avenue. This property is more fully described as Lot 1.1 in City Block A/977 and is zoned PD 305 (Subdistrict D-2), which limits the maximum structure height to 240 feet. The applicant proposes to construct/maintain a structure with a building height of 260 feet, which will require a variance to the maximum height regulations of 20 feet.

**LOCATION:** 3700 McKinney Avenue

**APPLICANT:** Jackson Walker, LLP  
Represented by Susan Mead and Jonathan Vinson

**REQUEST:**

- A variance to the height regulations of 20’ is requested in conjunction with constructing and maintaining a mixed–use residential and retail project that would reach (according to the revised application and submitted conceptual elevation) 260’ in height on a site that is currently undeveloped.

**STAFF RECOMMENDATION:**

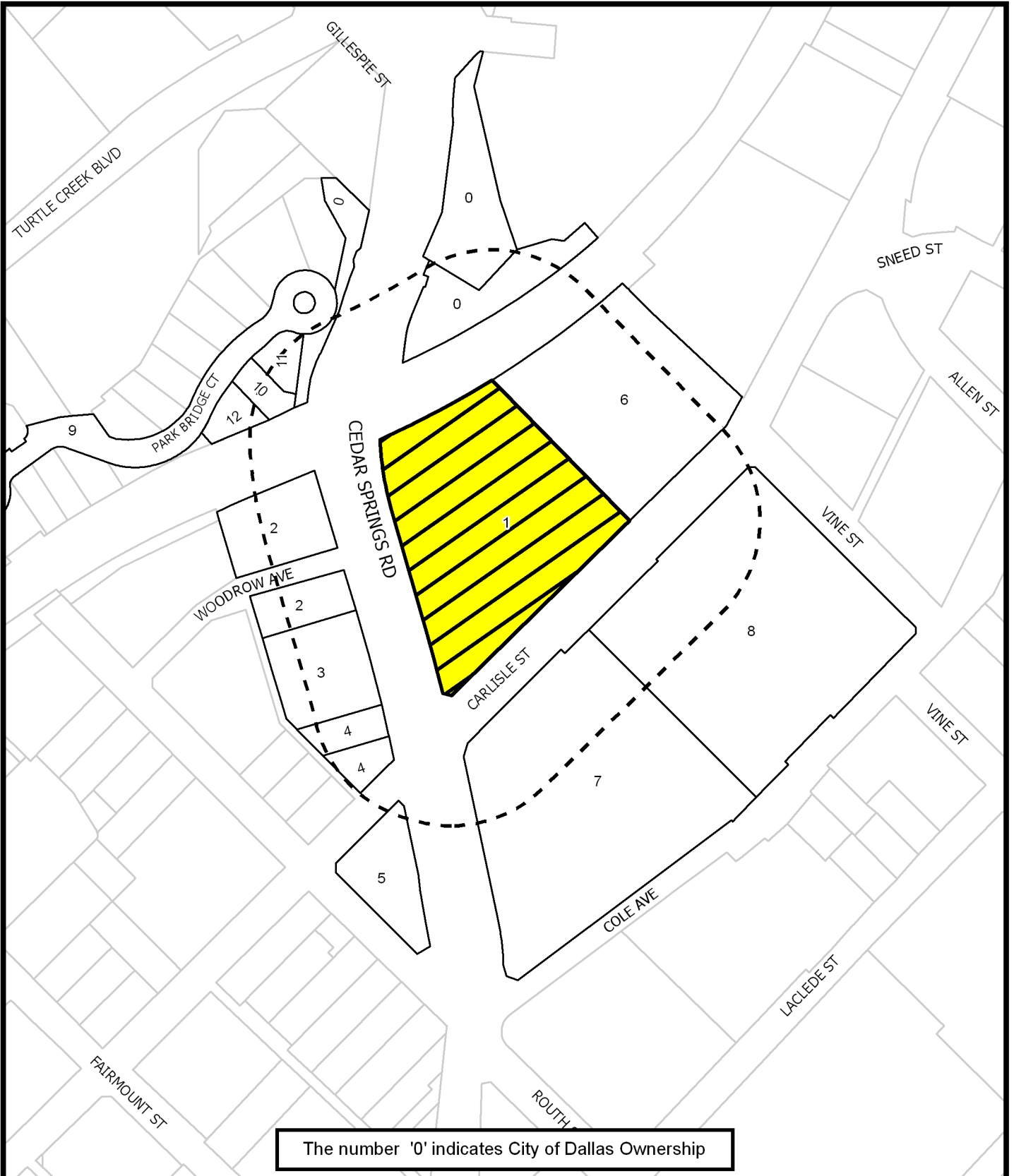
Denial

Rationale:

- Staff was unable to conclude that the parcel differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- Staff concludes however that granting this request would not be contrary to the public interest.
- Staff acknowledges that the Board of Adjustment identified a unique hardship on this site in 2005 and granted, among other things, a variance to the height regulations.
- Staff also acknowledges that the current application is one of a lesser height and is a more limited request for relief than what was applied for/granted on this site by the Board of Adjustment in 2005.

**STANDARD FOR A VARIANCE:**





The number '0' indicates City of Dallas Ownership



# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**12**

NUMBER OF PROPERTY OWNERS NOTIFIED

1:2,400  
BDA 112-069

1-106

Case no: **BDA112-069**

Date: **5/31/2012**

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

***BDA112-069***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2728 CEDAR SPRINGS RD	CFRI-FOCH CEDAR SPRINGS HOTEL LP PO BOX
2	2727 CEDAR SPRINGS RD	2727 CEDAR SPRINGS RD LLC ATTN: ED RIFKI
3	2711 CEDAR SPRINGS RD	STORAGE HOLDINGS CEDAR SPRINGS
4	2705 CEDAR SPRINGS RD	CARLISLE JOINT VENTURE
5	2605 CEDAR SPRINGS RD	GREENWAY-CARLISLE LP
6	2815 CARLISLE ST	FATH DALLAS COMMONS LP %FATH PROPERTIES
7	2650 CEDAR SPRINGS RD	LG VILLA ROSA II LP STE #1220
8	2707 COLE AVE	COLE APARTMENTS SUITE 1220
9	2800 PARK BRIDGE CT	TURTLE CREEK CIR HOA
10	2834 PARK BRIDGE CT	DEAR MARGARET S
11	2838 PARK BRIDGE CT	SIMMONS MARGARET
12	2830 PARK BRIDGE CT	JENKINS MICHAEL A & WENDY K