

FILE NUMBER: Z223-120(JM) **DATE FILED:** October 24, 2022
LOCATION: South side of Whistle Stop Place, east of Wildcat Way
COUNCIL DISTRICT: 10
SIZE OF REQUEST: 4.057 acres **CENSUS TRACT:** 48113007827

**OWNER/
APPLICANT:** OHLP Lake Highlands, LP

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a new subarea on property zoned Subarea B within Planned Development District No. 758.

SUMMARY: The purpose of the request is to amend the sidewalk provisions.

CPC RECOMMENDATION: Approval, subject to a revised conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised conceptual plan and conditions.

PD No. 758 Article and Exhibits:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=758>

BACKGROUND INFORMATION:

- Planned Development District No. 758 was established on June 13, 2007 and contains four subareas with 69.27 acres of land. The area of request is the southern half of Subarea B.
- Subarea B allows a mix of uses including institutional and community service, residential, and retail and personal service uses. A building permit has been issued for a multifamily development on the subject site with four stories, 144 dwelling units, and 220 parking spaces in 155,677 square feet of floor area. Construction is still underway.
- Sidewalk requirements in PD No. 758 specify that along Walnut Hill Lane a five-foot landscape buffer is required at the back of curb. The minimum sidewalk width is five feet. A new subarea is requested to permit an exception to the sidewalk requirements along Walnut Hill Lane to no longer require the landscape buffer due to topographical challenges.

Zoning History: There has been one recent zoning request in the area within the past five years.

1. **Z201-240:** On November 10, 2021, the City Council approved an application granting Planned Development District No. 1074 for R-7.5(A) Single Family District uses on property zoned a CS Commercial Service District and an R-7.5(A) Single Family District on the west line of White Rock Trail, south of Walnut Hill Lane.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Walnut Hill Lane	Principal Arterial	Variable Width, 100'
Whistle Stop Place	Local Street	Variable Width, 66'

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the current zoning request and does not anticipate that it will significantly impact the surrounding roadway system.

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 outlining several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not specifically apply the land use goals and policies of the comprehensive plan.

Land Use:

Area	Zone	Uses
Site	Subarea B, PD No. 758	Multifamily (under construction)
North	Subarea B, PD No. 758	Multifamily
East	MF-1(A) Multifamily District, R-7.5(A) Single Family District, SUP Nos. 1781 and 740, NO(A) Neighborhood Office District	DART Lake Highlands Transfer Station, child-care facility and private school, and single family
South	Subarea C, PD No. 758, PD No. 1007, and MF-1(A) Multifamily District	Open space in floodplain, retail, multifamily
West	Subarea A, PD No. 758	Open space in floodplain, retail, multifamily

STAFF ANALYSIS:

Land Use Compatibility:

The site is currently under construction with a 144-dwelling unit multifamily development permitted under D190-008 at CPC on November 5, 2020. No changes are proposed to the development plan, which does not depict the sidewalks and defers to the article for requirements.

Subarea B is abutting the Lake Highlands DART Transfer Station to the east. This transfer station is primarily reached by walking from the surrounding multifamily developments to the north, south, and west and adjacent retail and single family uses located to the east, south, and west.

The Subarea B permitted land uses contain a variety of institutional and community service, residential, and retail and personal service uses. The proposed Subarea B-1 would maintain all land use and development standards while providing an exception to the sidewalk location requirements along Walnut Hill Lane.

The area of request contains approximately 511 feet of frontage along the northern line of Walnut Hill Lane, at the Jackson Branch Creek intersection. For this reason, there is topography at the proposed sidewalk location which creates an elevation of over 20 feet where the sidewalk and required landscape buffer would have to cantilever over the Jackson Branch Creek.

Due to the issues with topography, staff can support the exception to the sidewalk requirements for creating a landscape buffer within this section of the project. The overall project will provide additional dwelling units in a transit-oriented development accessible through larger sidewalks and improved pedestrian paths, as required in the remainder of the article.

At the time of this report, the revised conceptual plan was pending corrections including adjusting the north arrow, labeling, acreage, and including the previous information table. Staff will continue to work with the representative to correct the plan and brief the revised plan and updates at CPC.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in PD No. 758 and Article X, as amended.

Parking:

PD No. 758 requires a minimum of one space per unit for dwelling units with one bedroom, and a minimum of 1.5 spaces per unit for dwelling units with two or more bedrooms is required.

The PD permits a parking reduction for proximity to light rail DART stations of up to 20 percent under certain conditions.

This development contains 144 dwelling units with a mix of bedroom types and 220 parking spaces provided.

Market Value Analysis

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not categorized, adjacent properties to the north are within “E” and “H” MVA clusters.

CPC Action
April 20, 2023

Motion: It was moved to recommend **approval** of a new subarea, subject to a revised conceptual plan and conditions, as briefed; on property zoned Subarea B within Planned Development District No. 758, on the south side of Whistle Stop Place, east of Wildcat Way.

Maker: Herbert
Second: Wheeler-Reagan
Result: Carried: 12 to 0

For: 12 - Popken, Herbert, Anderson, Shidid, Carpenter,
Wheeler-Reagan, Blair, Jung, Treadway, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Haqq
Vacancy: 0
Conflict: 2 - Hampton, Housewright

Notices: Area: 500 Mailed: 22
Replies: For: 0 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

LIST OF OFFICERS

Property Owner and Applicant: OHLP Lake Highlands, LP

Steve Oden, Jr., Principal

Craig S. Hughes, Principal

Eric Taylor, Principal

Stephani Park, Principal

Mac McElwrath, Managing Director Howell Beaver, Managing Director

**CPC RECOMMENDED
PROPOSED AMENDING CONDITIONS**

ARTICLE 758.

PD 758.

SEC. 51P-758.101. LEGISLATIVE HISTORY.

PD 758 was established by Ordinance No. 26786, passed by the Dallas City Council on June 13, 2007. (Ord. 26786)

SEC. 51P-758.102. PROPERTY LOCATION AND SIZE.

PD 758 is established on property located on both sides of Walnut Hill Lane, east of Skillman Street. The size of PD 758 is approximately 69.27 acres. (Ord. 26786)

SEC. 51P-758.103. CREATION OF SUBAREAS.

This district is divided into five subareas, Subareas A, B, **B-1** C, and D, as shown on the conceptual plan. (Ord. 26786)

SEC. 51P-758.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 758A: conceptual plan.
- (2) Exhibit 758B: street sections.
- (3) Exhibit 758C: mixed-use development parking chart.
- (4) Exhibit 758D: Subarea D conceptual lot layout plan. (Ord. 30084)

SEC. 51P-758.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) In this district, the following definitions apply:

- (1) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

- (2) ACTIVE USE means any permitted use other than parking.
- (3) BLADE SIGN means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.
- (4) ENTERTAINMENT FACILITY means a facility for sporting events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, and exhibition halls.
- (5) FACADE GRAPHICS SIGNS means a sign composed of a pattern of shapes, colors, text, or symbols that are applied to, projected on, or integrated into the full or partial facade of a building.
- (6) LARGE TREE means a tree with a minimum caliper of three inches, or a minimum height of 12 feet, depending on the standard measuring technique for the species.
- (7) LARGE SHRUB means a shrub with a minimum height of three feet.
- (8) MARQUEE SIGN means a changeable message sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building.
SMALL TREE means a tree taller than six feet but less than twelve feet in height.
- (9) (10) STOOP means a small porch leading to the entrance of a residence.
- (11) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space from a street, lane, or driveway.
- (12) VIDEOBOARD SIGN means a flat-screen premise sign that is capable of displaying moving images similar to television images, by light-emitting diode or other similar technology, and that is mounted to the exterior of a building.
- (d) This district is considered to be a nonresidential zoning district. (Ord. Nos. 26786; 27852; 30956)

SEC. 51P-758.105. CONCEPTUAL PLAN.

- (a) Development and use of the Property must comply with the conceptual plan (Exhibit 758A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.
- (b) Development of a shared access development in Subarea D must comply with the Subarea D conceptual lot layout plan (Exhibit 758D).
- (c) A final plat for a shared access development may make minor deviations from the lot and shared access area configuration shown on the conceptual lot layout plan provided that

the final plat does not increase the number of lots or provide additional access points. (Ord. Nos. 26786; 30084)

SEC. 51P-758.106. DEVELOPMENT PLAN.

(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district.

(b) For a public park, playground, or golf course use, a development plan must be approved by the park and recreation board, and an approved copy of the development plan must be submitted to the director of development services before the issuance of any building permit to authorize the development of a public park, playground, or golf course use in this area.

(c) If a conflict exists between the text of this article and a development plan, the text of this article controls.

(d) The building official may issue building permits for the following work without the approval of a development plan:

- (1) the repair of existing structures;
- (2) demolition of existing structures;
- (3) grading;
- (4) the installation of fencing or other structures for security purposes;
- (5) work associated with permitted temporary uses; and
- (6) work intended to provide for irrigation or maintenance of landscaping.

(e) Development plans may be submitted in phases.

(f)) For single family uses, a preliminary plat may serve as the development plan and must be submitted to city plan commission for approval.

(g) The portion of Section 51A-4.702(c)(5) requiring submission of a development plan within six months of the city council's approval of this district does not apply.

(h) In addition to the requirements in Section 51A-4.702, the development plan must also include the following:

(1) The cumulative floor area broken out into use categories, total number of dwelling units, and total amount of open space for:

- (A) the building site;
- (B) the subarea in which the building site is located; and

- (C) the district.
- (2) Ingress and egress locations.
- (3) Measurements of visibility triangles, showing that they remain unobstructed as required by Section 51P-758.110.
- (i) Development plans do not have to show the location of signs. (Ord. 26786)

SEC. 51P-758.107. MAIN USES PERMITTED.

(a) The following uses are the only main uses permitted in Subareas A, B, **B-1**, and C:

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Medical or scientific laboratory.
- Tool or equipment rental.

(3) Industrial uses.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility. *[SUP required in Subareas A, B, **and B-1**; otherwise by right]*
- Church.
- College, university, or seminary. *[SUP required in Subareas A, B, **and B-1**; otherwise by right]*
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Foster home.
- Hospital.
- Library, art gallery, or museum.
- Private school or open enrollment charter school. *[SUP]*

- Public school [*SUP in Subarea C only*]
- (5) Lodging uses.
 - Hotel or motel. [*SUP*]
- (6) Miscellaneous uses.
 - Temporary construction or sales office.
- (7) Office uses.
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. [*DIR*]
 - Medical clinic or ambulatory surgical center.
 - Office.
- (8) Recreation uses.
 - Country club with private membership.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.
- (9) Residential uses.
 - Duplex.
 - Handicapped group dwelling unit. [*SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.*]
 - Multifamily.
 - Retirement housing.
 - Single family.
- (10) Retail and personal service uses.
 - Alcoholic beverage establishments. [*See Section 51A-4.210(b)(4). Treat as if in a mixed use district.*]
 - Animal shelter or clinic without outside runs.
 - Business school.
 - Commercial amusement (inside). [*SUP may be required. See Section 51A-4.210(b)(7)(B). Treat as if in a mixed use district.*]
 - Commercial amusement (outside). [*SUP*]
 - Commercial parking lot or garage. [*Commercial parking lot and commercial parking garage are permitted in Subarea C; commercial parking garage is only permitted in Subareas A, B and B-1.*]
 - Dry cleaning or laundry store.
 - Entertainment facility.
 - Furniture store.

- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Home improvement center, lumber, brick, or building materials sales yard.
- Liquor store.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Surface parking. *[Subarea C only]*
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Private street or alley.
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10).]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[By SUP if tower height exceeds 65 feet for monopole tower; otherwise, see Section 51A-4.212(10.1). Treat as if in a mixed use district.]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Office showroom/warehouse.
- Recycling buy-back center. *[See Section 51A-4.213(11). Treat as if in a mixed use district.]*
- Recycling collection center. *[See Section 51A-4.213(11.1). Treat as if in a mixed use district.]*

(b) The following uses are the only main uses permitted in Subarea D:

(1) Recreation uses.

- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(2) Residential uses.

-- Duplex.

-- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*

-- Multifamily.

-- Residential hotel.

-- Retirement housing.

-- Single family.

(3) Utility and public service uses.

-- Local utilities.

(Ord. Nos. 26786; 27852; 30956)

SEC. 51P-758.108. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted:

-- Accessory medical/infectious waste incinerator.

-- Private stable.

(c) The following accessory uses are permitted by SUP only:

-- Accessory pathological waste incinerator.

-- Pedestrian skybridges. (Ord. Nos. 26786; 30956)

SEC. 51P-758.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this subsection, the following regulations apply in all subareas:

(1) Window sills, bay windows, belt courses, cornices, fireplace chimneys,

and other architectural features may project up to three feet into the required front, side, or rear yard setback.

(2) Attached premise signs may project up to three feet into the required front, side, or rear yard setback if the sign has eight feet of vertical clearance above grade.

(3) Unenclosed balconies, unenclosed patios, awnings, stairs, and stoops may project up to six feet into the required front, side, or rear yard setback, provided the width of the encroachment is 12 feet or less for any one encroachment.

(4) Underground parking structures may project to the lot line.

(5) The city plan commission may approve a development plan that increases the maximum setback to create pedestrian plazas or courtyards.

(6) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope, except:

(A) In all subareas, the structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) In all subareas, chimneys may project through the slope to a height 12 feet above the slope.

(C) In Subarea C, a turret, spire, or clock tower meeting the requirements of Section 51P-758.109(e)(6) may project through the slope to a height 24 feet above the slope.

(7) To meet the maximum setback requirements of this article, a minimum of 75 percent of the main building width, excluding areas designated as open space, pedestrian plazas, or courtyards on an approved development plan, must be located between the minimum and maximum front yard setback.

(b) Open space.

(1) Open space must be provided as shown on the conceptual plan.

(2) Except as otherwise provided, open space must be unobstructed to the sky.

(3) Open space may not contain any permanent structures except:

(A) structures supporting pedestrian or outdoor recreational uses;

(B) kiosks that provide information related to the open space;

(C) security, audio-visual, recreational, or maintenance equipment; and

(D) streets and bridges that traverse the open space if they are

approved by the director of public works and transportation.

(4) Open space that is dedicated and accepted as park land will still be considered open space under this article.

Omitted for brevity.

(d) Subarea B and B-1.

(1) Front yard.

(A) Minimum front yard setback is six feet except that no minimum setback is required along Walnut Hill Lane.

(B) Except as provided in this subparagraph, maximum front yard setback is 20 feet. No maximum setback is required along Walnut Hill Lane or in areas designated as open space, pedestrian plazas, or courtyards on an approved development plan.

(2) Side and rear yard. No minimum side yard is required. Minimum rear yard is six feet.

(3) Density. Maximum number of dwelling units in Subareas A, **B** and **B-1** combined is 1,130.

(4) Floor area. Maximum total floor area for nonresidential uses is 35,000 square feet. There is no maximum total floor area for residential uses. Maximum floor area for any home improvement center, lumber, brick, or building materials sales yard use is 15,000 square feet.

(5) Floor area ratio. Maximum floor area ratio is 4.0.

(6) Height. Except as provided in this paragraph, maximum structure height is 105 feet. Chimneys may project 12 feet above the maximum structure height.

(7) Lot coverage. Maximum lot coverage is 90 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(8) Stories. Maximum number of stories above grade is seven.

(e) Subarea C.

Omitted for brevity.

(f) Subarea D.

Omitted for brevity.

SEC. 51P-758.110. VISUAL OBSTRUCTION REGULATIONS.

(a) Except as provided in this section, the visual obstruction regulations in Section 51A-4.602(d) apply in this district.

(b) The visibility triangle is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the street curb lines) and points on each of the street curb lines 30 feet from the intersection.

(c) A 45-foot visibility triangle is required at:

(1) the Skillman Street and Walnut Hill Lane intersection; and

(2) all ingress and egress points intersecting with Walnut Hill Lane.

(Ord.
26786)

SEC. 51P-758.111. INTERNAL STREET STANDARDS.

(a) In general.

(1) The regulations in this section apply to all internal public and private streets within this district except alleys, shared access areas in Subarea D, and driveways.

(2) Except as provided in this section, internal streets must be constructed in accordance with this section and the rights-of-way standards and pavement widths as shown in the street sections (Exhibit 758B), which includes residential, retail, and park-side street sections. If there is a conflict between the text of this article and Exhibit 758B, the text of this article controls.

(3) Minimum pavement widths include on-street parking. Neck-downs and landscape islands are permitted in that portion of the minimum pavement width designated for on street parking.

(b) Street plan. A street plan showing the layout of streets and the applicable street section, must be approved by the director of public works and transportation and submitted with the development plan to the city plan commission for approval. Internal streets must be provided as shown on the street plan and street sections.

(c) Street sections.

(1) Residential street sections A, B, and B-1. The minimum right-of-way is 60 feet, and the minimum pavement width is 40 feet from back-of-curb to back-of-curb. This

street section may be applied to all subareas.

(2) Retail street section A. The minimum right-of-way is 148 feet, and each couplet section must be constructed with a minimum pavement width of 42 feet from back-of-curb to back-of-curb. This street section may be applied to Subareas A, B, **B-1**, or C.

(3) Retail street section B and B-1. The minimum right-of-way is 92 feet, and the minimum pavement width is 70 feet from back-of-curb to back-of-curb. This street section may be applied to Subareas A, B, **B-1**, or C.

(4) Park-side street section. The minimum right-of-way is 62 feet, and the minimum pavement width is 40 feet from back-of-curb to back-of-curb. This street section may be applied to all subareas.

(d) Alternate street sections.

(1) To deviate from Exhibit 758B, an alternate street section must be approved by the director of public works and transportation and approved by city plan commission along with the development plan.

(2) To be approved, an alternate street section must provide a street width that reduces vehicle speeds and promotes a pedestrian-friendly environment. An alternate street section may not reduce the minimum sidewalk width or tree planting zone requirements. (Ord. Nos. 26786; 30084)

SEC. 51P-758.112. PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Multifamily. A minimum of one space per unit for dwelling units with one bedroom, and a minimum of 1.5 spaces per unit for dwelling units with two or more bedrooms is required.

(c) Compact parking. No more than 35 percent of the required parking spaces for any use may be provided in compact (7.5-foot-wide) stalls.

(d) Parking reduction for proximity to DART light rail stations.

(1) Parking for any use, except a residential use, that is located within one-half mile of a light rail station may be reduced by 20 percent if:

(A) a minimum eight-foot-wide pedestrian connection is provided from that use to the closest DART light rail station; and

(B) the pedestrian connection is illuminated with a minimum average illumination level of 1.5 footcandles.

(2) Measurement to a light rail station is measured in a direct line from the nearest point of the light rail station to the nearest point of the lot containing the use.

(e) Screening of off-street loading spaces and areas.

(1) Off-street loading spaces and any area used for loading and unloading must be screened if visible from a public street or neighboring lot.

(2) The screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3), except that garbage storage areas must be visually screened by a masonry wall.

(3) Evergreen plant materials are encouraged to satisfy screening requirements.

(f) On-street parking.

(1) Except as provided in this subsection, parallel parking spaces or angled head-in parking spaces are permitted. Angled head-in on-street parking spaces must be striped.

(2) On-street parking spaces are prohibited on Skillman Street or Walnut Hill Lane.

(3) Angled head-in on-street parking spaces are prohibited within 60 feet of Skillman Street or Walnut Hill Lane.

(4) Except as provided in this paragraph, on-street parking spaces may be counted toward the parking requirement of a nonresidential or multifamily use adjacent to the on-street parking space, and the guest parking requirements of an adjacent shared access development in Subarea D. To receive credit, parking spaces must be marked per city regulations.

(A) An on-street parking space may not be used to reduce the required parking for more than one use.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of

time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-

half counted as an additional space.

(g) Tandem parking. Tandem parking is permitted for residential uses.

(h) Mixed-use development parking reduction.

(l) In general.

(A) The off-street parking requirement for a mixed use development may be reduced in accordance with the mixed-use development parking chart (Exhibit 758C).

(B) In this subsection, mixed-use development means a subarea with more than one type of use (i.e. residential with retail uses).

(C) This reduction may be used in combination with other parking reductions, so long as the standard off-street parking requirement for a mixed-use development is not reduced by more than 30 percent. A special exception for the number of required parking spaces, however, may not be combined with a mixed-use development parking reduction.

(2) Calculation of adjusted standard off-street parking requirement. An adjusted standard off-street parking requirement for a mixed-use development is calculated as follows:

(A) The standard parking requirements for each of the uses in the mixed-use development must be ascertained.

(B) The parking demand for each use is determined for each of the five times of day shown in the mixed-use development parking chart by multiplying the standard off- street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the mixed use development parking chart, the percentage assigned to that use is 100 percent for all five times of day.

(C) The time of day columns are totalled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted standard off-street parking requirement for the mixed-use development.

(3) Minimum parking requirement. If one or more of the main uses in a mixed-use development is a retail or personal service use, the minimum parking requirement for the mixed-use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

(i) Parking setback.

(l) Except for parking structures, valet parking pick-up and drop-off sites,

single-family uses, and duplex uses, off-street parking is prohibited within 30 feet of a pavement line of a street between grade and 12 feet above grade.

(2) In Subareas A, B, and B-1, off-street surface parking is prohibited within 30 feet of the Property line along Wildcat Way and Whistle Stop Way.

(j) Fees. A property owner may charge a fee on a daily, hourly, or other basis for the use of required off-street parking.

(k) Surface parking lot pedestrian pathways. Surface parking lots having more than four rows of parking across the width of the lot must have a pedestrian pathway system. To qualify, the pedestrian pathway must be distinguished from the parking and driving surface by landscape barriers or a change in surface materials such as pavers or patterned concrete. Pedestrian pathways may not be distinguished by paint alone. Pedestrian pathways must be a minimum of four feet wide.

(l) Wrapping of parking structures. In Subarea A, parking structure facades facing Wildcat Way must contain active uses for the first 30 feet of the building measured inward from the street-facing facade. (Ord. Nos. 26786; 27852; 30084; 30956)

SEC. 51P-758.113. TRAFFIC IMPROVEMENTS.

(a) Traffic improvements required. Except as otherwise provided, the following traffic improvements must be provided before the issuance of a certificate of occupancy:

(1) A northbound right-turn lane at ingress/egress point 1 on Skillman Street as shown on the conceptual plan.

(2) A westbound right-turn lane at ingress/egress point 2 on Walnut Hill Lane as shown on the conceptual plan.

(3) An eastbound right-turn lane at ingress/egress point 3 on Walnut Hill Lane as shown on the conceptual plan.

(4) A northbound right-turn lane at ingress/egress point 5 on Skillman Street as shown on the conceptual plan.

(5) Westbound dual left-turn lanes at the intersections of Skillman Street and Walnut Hill Lane must be provided before the issuance of a certificate of occupancy for any use that would result in more than 1,700 residential dwelling units, more than 315,000 square feet of floor area for retail uses, or more than 50,000 square feet of floor area for office uses.

(b) Emergency access. Ingress/egress point 7 as shown on the conceptual plan is limited to emergency access only. (Ord. 26786)

SEC. 51P-758.114. ENVIRONMENTAL PERFORMANCE STANDARDS.

- (a) In general. Except as otherwise provided in this section, Article VI applies.
- (b) Pedestrian-scale lighting. Pedestrian-scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along sidewalks adjacent to internal streets. In this subsection, pedestrian-scale lighting means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or a pedestrian light fixture approved by the director of public works and transportation. The design and placement of both the standards and fixtures must be approved by the director of public works and transportation. Unless otherwise provided, each property owner is responsible for the cost of installation, operation, and maintenance of the lighting on their property or in the public right-of-way adjacent to their property. (Ord. 26786)

SEC. 51P-758.115. LANDSCAPING.

- (a) Landscape plan.
 - (1) Except as provided in this section, a landscape plan must be submitted with the development plan and approved by the city plan commission before issuance of a building permit to authorize work in this district. Landscaping must be provided as shown on the landscape plan.
 - (2) A landscape plan is not required for:
 - (A) a public park use;
 - (B) the repair of existing structures;
 - (C) demolition;
 - (D) grading;
 - (E) the installation of fencing or other structures for security purposes;
 - (F) work associated with permitted temporary uses;
 - (G) work intended to provide for the irrigation or maintenance of landscaping;
 - (H) a single-family or handicapped group dwelling unit use in Subarea

D; or

(I) the reconstruction or restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of public enemy, or accident of any kind if that reconstruction or restoration does not increase:

(i) the number of buildings on the lot;

(ii) the number of stories in a building on the lot;

(iii) the floor area of any building on the lot by more than 10 percent or 10,000 square feet, whichever is less; or

(iv) the nonpermeable coverage of the lot by more than 2,000 square feet.

(3) A landscape plan must be submitted with two blue-line or black-line prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and must be on a standard drawing sheet no greater than 56 inches by 48 inches. A plan that is not drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.

(4) A landscape plan must contain the following information:

(A) Date, scale, north point, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.

(B) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, the subarea classification of adjacent properties and a vicinity map.

(C) Approximate centerlines of existing water courses and the location of the 100-year flood plain, the escarpment zone, and geologically similar areas, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.

(D) Project name, street address, and lot and block description.

(E) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(F) Locations and dimensions of proposed landscape buffer strips.

(G) Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or caliper sizes

at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.

(H) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided interior to parking areas and the number and location of required off-street parking and loading spaces.

(I) An indication of how existing healthy trees proposed to be retained will be protected from damage during construction.

(J) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(K) A description of proposed watering methods.

(L) Location of visibility triangles on the lot (if applicable).

(M) Tabulation of design standard points earned by the plan
[See Subsection (c)].

(N) Percentage of lot coverage, impervious area, and front yard landscape area.

(O) Total size of pedestrian facilities, special amenities, and enhanced pavement each.

(P) The total tree mitigation for the district as a running total and the total of proposed tree replacement plantings and alternate tree mitigation methods for that landscape plan. Each landscape plan should subtract tree mitigation credit after a landscape plan has been approved by city plan commission.

(Q) The adjacent parkway area and any landscaping within the parkway area.

(5) All landscape plans must comply with the mandatory provisions in Subsection (b). The city plan commission may approve a landscape plan that does not comply with the requirements of this section if:

(A) strict compliance with this section is impractical due to site constraints or the location of protected trees, or would result in substantial hardship;

(B) the landscape plan complies with the spirit and intent of this section;

(C) the landscape plan furthers the stated purpose of this section; and

(D) the variation or exception from this section will not adversely affect surrounding properties.

(b) Mandatory provisions.

(1) In general.

(A) Trees must be planted no closer than 2.5 feet on center from any curb or paved surface. Large trees must be planted no closer than 10 feet on center from a building wall and no closer than 20 feet on center from another large tree.

(B) Landscaping for a shared access development in Subarea D must be provided in accordance with the mandatory landscaping requirements for shared access

developments in Section 51A-10.125(a)(2)(B)(i) and (ii). The parkway tree requirements in this section are mandatory for a shared access development in Subarea D.

(2) Parkway trees.

(A) Tree planting zone. In this section, the tree planting zone is that area located in the parkway, parallel to and between 2.5 and 10 feet from the back of the street curb.

(B) Number, location, and type of trees required. Each lot must have one or more trees whose trunks are located wholly within the tree planting zone. The number of required caliper inches per block face is determined by dividing the block face, excluding driveways and visibility triangles, by 25. This number is then multiplied by 3.5 to determine the total caliper inches for that block face. Fractions are rounded to the nearest whole number, with

.5 being rounded up to the next whole number. Required trees must be of a species recommended by the building official. Protected trees relocated from another location on the Property and preserved trees may be counted toward the number of required caliper inches. Trees located in the median of Wildcat Way may be counted towards the required caliper inches for Wildcat Way.

(C) Parkway landscape permits and alternate tree planting options.

The property owner must apply for a parkway landscape permit before any required trees may be planted in the parkway. If a property owner cannot obtain a parkway landscape permit to locate a required tree in the parkway, the property owner must locate the tree in the required

front yard as near as practicable to the front lot line. If a lot has no front yard requirement and the property owner cannot obtain a parkway landscape permit to locate the required tree in the parkway, the property owner need not provide that required tree.

(D) Minimum tree height and trunk caliper. Required trees must have a minimum height of 14 feet and a minimum trunk caliper of three-and-one-half inches measured at a point 12 inches above the root ball at the time of installation. For this provision, height is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

(E) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The maximum spacing between required trees is 50 feet on center, excluding open spaces or pedestrian plazas designated on an approved development plan.

(3) Surface parking area trees and landscaping. The following regulations apply to surface parking lots.

(A) All required parking spaces must be within 100 feet of a large canopy tree.

(B) Parking lots must be divided into sections containing no more than 120 parking spaces. Parking lot sections must be divided by landscaped dividers with a minimum width of eight feet. Landscaped dividers must have large canopy trees spaced at a maximum of 30 feet on center and ground cover or shrubs. Parking lot sections may contain up to 160 parking spaces if, in addition to the landscape dividers, each grouping of parking rows is divided by a

landscape island of a minimum of 20 square feet per row of cars. Landscaped islands must have ground cover and trees or shrubs.

(C) Except as provided in this subparagraph, a landscaped buffer strip with a minimum width of 20 feet must be located between any parking area and Skillman Street or Walnut Hill Lane. The landscape buffer may be interrupted by vehicular and pedestrian access areas. The landscape buffer strip may be located in whole or in part in the public right-of-way. The landscape buffer strip must have an evergreen berm with a minimum height of three feet. If the topography prevents installation of a berm, an evergreen hedge with a minimum height of three feet may be substituted. The landscape buffer must also have large canopy trees spaced at a maximum of 30 feet on center. A landscape buffer strip is not required for single-family or handicapped group dwelling unit uses in Subarea D.

(D) In Subareas A, B, **and B-1** when visible from Wildcat Way and Whistle Stop Place, off-street surface parking must be screened by a minimum five-foot-wide landscape buffer strip with an evergreen berm or an evergreen hedge with a minimum height of three feet at the time of planting.

(4) Structured parking trees and landscaping. Except as provided in this paragraph, the following regulations apply to the highest level of a parking structure that is

unobstructed to the sky and is visible from an adjacent street right-of-way. Screening and ornamental trees are not required for individual garages serving single-family and handicapped group dwelling unit uses in Subarea D.

(A) Parking must be screened with a solid parapet wall to a minimum of three feet in height above the parking surface.

(B) An ornamental tree in a landscape planter is required at the ends of each parking row.

(5) 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 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 parkway 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 installations 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 requirement 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.

(6) 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 director. The application must be in writing on a form approved by the director 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 director 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 director 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 director shall issue a parkway landscape permit to the property owner; otherwise, the director 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 director's denial of a parkway landscape permit.

(D) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director 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 director'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.

(7) Landscape materials.

(A) No artificial plant materials may be used to satisfy the requirements of this section.

(B) In satisfying the landscaping requirements of this section, the use of high quality, hardy, and drought tolerant plant materials is encouraged.

(8) Soil requirements.

(A) Except as otherwise provided in this paragraph, landscape planting areas must have the following soil depths and dimensions:

(i) Each large shrub and each small tree must be planted in soil that is at least 24 inches deep with a surface area of at least 16 square feet (total of 32 cubic feet).

(ii) Each large tree must be planted in soil that is at least 36 inches deep with a surface area of at least 25 square feet (total of 75 cubic feet).

(B) Landscape planting areas located above underground buildings or structures must have the following soil depths and dimensions:

(i) Each large shrub and each small tree must be planted in soil that is at least 30 inches deep with a surface area of at least 25 square feet (total of 62.5 cubic feet).

(ii) Each large tree must be planted in soil that is at least 40 inches deep with a surface area of at least 36 square feet (total of 120 cubic feet).

(C) The building official may waive the minimum soil requirements if a landscape architect certifies that the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the proposed plant materials.

(9) Protection of landscape areas. Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(10) Irrigation requirements. Required plant materials must be located within 100 feet of a verifiable water supply, and proposed watering methods (irrigation or otherwise) must be adequate to maintain the plant materials in a healthy, growing condition.

(c) Design standards. All landscape plans must earn a minimum of 20 points.

Points

are earned for the use of design standards only when landscaping is provided in the front yard. For purposes of this subsection, the front yard includes those areas of public right-of-way located behind the curb and utilized for landscaping.

(1) Points for landscaping in front yard. The front yard area is determined by multiplying the lot width and the minimum front yard setback. One point is awarded for each three percent of the total front yard area provided as landscape area up to a maximum of

15 points. To qualify, the landscape area must:

- (A) be at least 50 square feet;
- (B) be covered with grass or other plant material used as ground cover;
and
- (C) for every 100 square feet of landscape area, or fraction thereof, have a minimum of:
 - (i) one large canopy tree [This requirement may be satisfied by existing tree credits under Section 51P-758.115(c)(2)];
 - (ii) three small trees;
 - (iii) two small trees and one large shrub;
 - (iv) one small tree and two large shrubs; or
 - (v) three large shrubs.

(2) Existing tree credits. Existing healthy trees are credited toward meeting design standards as follows:

- (A) For each canopy tree retained or relocated to the front yard of the building site or to the parkway, having a caliper equal to or greater than four inches but less than six inches, a credit of one required large canopy tree is allowed.
- (B) For each canopy tree retained or relocated to the front yard of the building site or to the parkway, having a caliper equal to or greater than six inches but less than 12 inches, a credit of two required large canopy trees is allowed.
- (C) For each canopy tree retained or relocated to the front yard of the building site, to the parkway, or within any of the subareas, having a caliper equal to or greater than 12 inches, a credit of three required large canopy trees is allowed.

(3) Special amenities.

(A) Enhanced pavement material.

- (i) Three points are awarded when at least 50 percent of all outdoor vehicular pavement area in the front yard of a lot consists of enhanced pavement.

(Note:

All vehicular pavement must comply with the construction and maintenance provisions for off-

street parking in the Dallas Development Code, as amended.)

(ii) Three points are awarded when at least 50 percent of all outdoor pedestrian pavement area consists of enhanced pavement. (Note: All pedestrian pavement material and design must be approved by the director of public works and transportation.)

(B) Pedestrian facilities. One point is awarded for each one percent increment of lot area covered by publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, bicycle racks, and outdoor recreation facilities, up to a maximum of five points.

(d) When landscaping must be completed.

(1) Except as otherwise provided, all landscaping must be completed in accordance with an approved landscape plan before a certificate of occupancy may be issued for any building on the lot.

(2) With city plan commission's approval, landscaping may be installed in phases for the purpose of protecting installed landscaping during construction of adjacent phases. Landscaping for all phases, however, must be installed within 18 months of an approved landscape plan unless an alternate phasing plan is approved by city plan commission.

(3) If the property owner provides the building official with documented assurance that the landscaping will be completed within six months, the building official may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period, or a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:

(A) expressly provide that they may be enforced by the city;

(B) be approved as to form by the city attorney; and

(C) be filed in the deed records of the county in which the land is located.

(e) General maintenance. Required landscaping must be maintained in a healthy, growing condition. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings, as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the city. (Ord. Nos. 26786; 27852; 30084; 30956)

SEC. 51P-758.115.1. SIDEWALKS.

(a) Except as provided in this subsection, in Subareas A, B, **B-1**, and C, sidewalks must be a minimum of eight feet wide.

(1) On the side of Watercrest Parkway adjacent to the open space, the minimum unobstructed sidewalk width is four and one-half feet.

(2) In Subarea A, on the north side of Whistle Stop Place, a minimum five-foot-wide sidewalk is required.

(3) If a 12-foot-wide sidewalk is provided on the south side of the Jackson Branch Bridge and street crosswalks are provided at the east and west ends of the Jackson Branch Bridge, no sidewalk is required on the north side of the Jackson Branch Bridge.

(4) On Walnut Hill Lane to the east side of Wildcat Way, minimum sidewalk width is five feet.

(5) On the south side of Lookout Point, a five-foot-wide sidewalk is required.

(6) **In subarea B-1, the director may waive the requirement in this subsection if:**

(A) sidewalk construction would cause drainage, safety, or other engineering issues that cannot be feasibly addressed as determined by the director;

(B) a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal; or

(C) the waiver will not have an adverse effect on neighboring properties.

(b) In Subarea D, sidewalks must be a minimum of six feet wide.

(c) Except as provided in this subsection, all sidewalks must be located in an area parallel to and within five to 15 feet of the back of the street curb. The director may waive the requirements of this subsection **in Subdistrict B-1 if**

(1) sidewalk construction would cause drainage, safety, or other engineering issues that cannot be feasibly addressed as determined by the director;

(2) a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal; or

(3) If the waiver will not have an adverse effect on neighboring properties.

(d) A minimum of four feet of the sidewalk must be unobstructed and clear. ADA-approved tree grates are not a sidewalk obstruction.

(e) In Subareas A, B **and B-1**, sidewalks along Wildcat Way and Whistle Stop Way must be continuous and level across all driveways and curb cuts and must be constructed

at the same grade as the adjacent connecting sidewalk.

(f)) If the sidewalk is to be located in the front yard, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way. (Ord. 30956)

SEC. 51P-758.116. TREE MITIGATION AND PROTECTION.

(a) Tree protection. After the development plan and landscape plan are approved, a tree protection plan that complies with Section 51A-10.136 must be submitted to the building official before the issuance of a building permit. Tree protection must be provided as shown on the tree protection plan.

(b) Tree mitigation in general.

(1) Except as provided in this section, tree mitigation must be provided in accordance with Article V and Article X.

(2) Except as otherwise provided, this section applies to all property within this district.

(3) This section does not apply to lots smaller than two acres that have single family or duplex uses, except that replacement trees will be considered protected trees even if planted on lots smaller than two acres that have single family or duplex uses. This means that if a replacement tree is planted on a lot smaller than two acres with a single family use, and the owner of that lot were to one day remove the tree, he would have to replace that tree in accordance with this section.

(4) Tree mitigation is not required if trees are removed because of infrastructure and water retention areas approved under Article V.

(5) The total number of caliper inches required to be mitigated is 4,502. Of the total required caliper inches, a minimum of 855 caliper inches must be replaced or preserved within the open space shown on the conceptual plan.

(c) Replacing trees.

(1) Tree mitigation may be accomplished by planting replacement trees in this district. Replacement trees may be counted towards tree mitigation only if they are not planted within 2.5 feet of a utility easement.

(2) Except in the open space shown on the conceptual plan, the building official shall give tree mitigation credit of two caliper inches for every caliper inch of a protected tree with a caliper of 18 or more inches that is preserved within the district and a

credit of 1.5 caliper inches for every caliper inch of tree with a caliper of 12 inches or more that is preserved or relocated within the district. Preserved trees may not be counted twice to meet the tree mitigation requirements of two lots or tracts. Tree mitigation credits in Subsection (c)(2) may count towards the required caliper inches to be mitigated in Subsection (b)(5).

(d) Tree conservation area.

(1) In general. Tree mitigation may also be accomplished by establishing a tree conservation area. A tree conservation area is established if the building official approves the tree conservation area plan and the Property owner creates a conservation easement on the Property pursuant to Section 51A-10.135(d) or shows a conservation area on an approved landscape plan.

(2) Tree conservation area plan. A tree conservation area plan must be submitted to the building official. The tree conservation area plan must include:

(A) A survey of the boundaries for the tree conservation area.

(B) A tree survey of the tree conservation area that complies with Section 51A-10.132, or an estimate of the caliper and type of protected trees using a method determined to be reasonably accurate by the building official.

(C) A plan for the preservation and maintenance of the conservation area.

(3) Approval. The building official shall approve the tree conservation area if the building official determines that the tree conservation area will preserve protected trees and other vegetation, considering:

(A) the size of the tree conservation area;

(B) the health and condition of protected trees within the tree conservation area; and

(C) other features worthy of preservation, such as topography or rare plant species.

(4) Landscape plan. The tree conservation area must be shown on an approved landscape plan.

(5) Development prohibited. Playground equipment and park amenities may not be placed within the tree conservation area unless the building official determines that the playground equipment or park amenities will not be detrimental to the tree conservation area.

(6) Tree mitigation credit.

(A) If the tree conservation area is 25 percent or less of the area of the tree removal property, the responsible party will receive an inch-for-inch credit for trees in the conservation area, up to 50 percent of the total caliper of replacement trees required.

(B) If the tree conservation area is more than 25 percent, but less than 50 percent, of the area of the tree removal property, the responsible party will receive inch-for-inch credit for trees in the conservation easement area, up to 65 percent of the total caliper of replacement trees required.

(C) If the tree conservation area is 50 percent or more of the area of the tree removal property, the responsible party will receive inch-for-inch credit for trees in the conservation easement area, up to 80 percent of the total caliper of replacement trees required.

(e) Completion.

(1) The landscape plan for the final phase of development within the district must include a plan to accomplish any remaining tree mitigation requirements.

(2) Tree mitigation must be completed by June 13, 2012. The city plan commission may extend the deadline for completion if significant delays result from the permitting process or the installation of public improvements. (Ord. Nos. 26786; 27852)

SEC. 51P-758.117. STRUCTURE FACADE STANDARDS.

(a) Off-street parking structures.

(1) All permanent parking structures must be located either underground or be concealed behind a facade that is similar in appearance to the facade of either the building to which the parking structure is accessory or another adjacent structure.

(2) If a parking structure facade is visible from an adjacent street right-of-way, at least 10 percent of the area of the parking structure facade must be covered with the same material used predominantly on the first 50 feet of height of the building to which the parking structure is accessory or another adjacent structure. The area of the parking structure facade is calculated by including openings, if any.

(3) Openings in a parking structure facade must not exceed 52 percent of the total building facade area, excluding ingress and egress points. In Subareas A and B, openings in a parking structure facade must not exceed 52 percent of the total of each parking structure facade area, excluding ingress and egress points.

(4) In Subarea A, parking structures may have only one point of vehicular

ingress and egress on Wildcat Way. The point of vehicular ingress and egress may be no more than 24 feet wide.

(b) Highly reflective glass prohibited. Highly reflective glass may not be used as an exterior building material on any building or structure in this district. For purposes of this subsection, “highly reflective glass” means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

(c) Structure facades on Wildcat Way. On Wildcat Way, a minimum of 70 percent of the street-facing, ground-level dwelling units must have:

- (1) individual entries accessed directly from the outside;
- (2) street access; and
- (3) improved paths connecting the dwelling unit to the sidewalk. (Ord. Nos. 26786; 27852; 30956)

SEC. 51P-758.118. SIGNS.

(a) In general. Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII. For purposes of complying with this section, the premise is the Property.

(b) Non-monument signs. Subarea A and Subarea C are each allowed to have one detached multi-tenant premise-identification non-monument sign on Skillman Street and one detached multi-tenant premise-identification non-monument sign on Walnut Hill Lane, for a total of four signs.

(c) A-frame signs. A-frame signs are permitted to identify a business in accordance with the following provisions:

- (1) The maximum size of the sign is 32 inches wide and 36 inches tall.
- (2) The maximum effective area per side is 1,200 square inches.
- (3) A-frame signs may only be displayed when the business it identifies is open.
- (4) A-frame signs may be located on the sidewalk or in the front yard of the business that it is identifying, provided a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained.

- (5) Only one A-frame sign is permitted per business.
- (6) A-frame signs must be separated by a minimum of 50 feet.
- (7) A-frame signs may not be located closer than 25 feet to a street intersection and in no case may a sign be located in a visibility triangle.

(d) Blade signs.

- (1) Blade signs are permitted.
- (2) Blade signs may not be internally illuminated.
- (3) Blade signs may be horizontal or vertical.
- (4) There is no limit on the number of blade signs.
- (5) The maximum area for blade signs is 30 square feet.
- (6) Blade signs may be located no lower than nine feet and no higher than 29 feet from street level as measured at the lowest and highest point of the sign.
- (7) A blade sign cannot project into the right-of-way.
- (8) A blade sign cannot be located closer than 15 feet to another projecting sign.

(e) Videoboard signs.

(1) Location.

(A) Videoboard signs may only be oriented toward Wildcat Way or Watercrest Parkway and may not be visible from Walnut Hill Lane or Skillman Street.

(B) A videoboard sign may only be attached to a facade on both sides of Wildcat Way between the northern right-of-way line of Lookout Point and the southern right-of-way line of Sedgwick Drive.

(2) Number. A maximum of two videoboard signs are permitted in this district.

(3) Size.

(A) The maximum size of a videoboard sign is 1,500 square feet; the video display area may not exceed 500 square feet. The message area within the remaining 1,000 square feet may not change more than one time in a 24-hour period.

(B) The maximum height of the highest point of the video display area is 30 feet.

(4) Operation.

(A) Display. Videoboard signs:

(i) must contain a default mechanism that freezes the image in one position in case of a malfunction;

(ii) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(aa) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(bb) the dimming level, multiplied by .0039 equals the brightness level; then

(cc) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

32768	=	ambient light in luxes
\div 256	=	dimming level
128	=	brightness level
\times .0039	=	(maximum brightness of the example sign)
.4992	=	allowed brightness in nits;
\times 9000		
4492.8		

(iii) must be turned off between 12:00 a.m. (midnight) and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

(iv) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

(B) Light intensity. Before the issuance of a videoboard sign permit,

the applicant shall provide written certification from the sign manufacturer that the light intensity:

(i) has been factory programmed to comply with the maximum brightness and dimming standards in the table in Subparagraph (e)(5)(A); and

(ii) is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(C) Change of message. Except as provided in this section, changes of message must comply with the following:

(i) Each message must be displayed for a minimum of eight seconds.

(ii) Changes of message must be accomplished within two seconds.

(iii) Changes of message must occur simultaneously on the entire sign face.

(iv) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(D) Streaming information. Streaming messages are limited to non-commercial messages. Ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(E) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification.

(f) Marquee signs.

(1) A marquee sign may not exceed 1,000 square feet of effective area.

(2) A marquee sign may not be longer than two-thirds of the length of the frontage of the building to which the marquee is attached.

(3) Only a theater, commercial amusement (inside), or entertainment facility use may have a marquee sign.

(4) The message area on a marquee sign may consist of LED, LCD, or other changeable message technology. The message area on any marquee sign may not exceed 60

percent of the effective area of the sign.

- (5) No lot may have more than one marquee sign per street frontage.
- (6) The message cannot change more than three times in a 24 hour period.
- (7) A maximum of two marquee signs are allowed.
- (g) Facade graphic signs.
 - (1) Facade graphic signs may only be displayed on facades facing Wildcat Way or Watercrest Parkway.
 - (2) Facade graphic signs may be constructed of mesh, metal, vinyl, decal, fritted glass, light sources, or other similar material and may be applied to, projected on, or viewable through the architecture or building materials such as glass, concrete, and wood of the structure.
 - (3) Facade graphic signs must be designed to be viewed as a part of the architecture of the building to which it is attached rather than appear as an attached element.
 - (4) A facade graphic sign must have a large visual display with a minimum of 75 percent non-textual graphic content (no more than 25 percent text).
 - (5) The maximum permitted effective area for a facade graphic sign is 90 percent of the facade to which the facade graphic sign is attached.
 - (6) No facade graphic sign may exceed 30 feet in height.
 - (7) No more than six facade graphic signs are permitted.
 - (8) A facade graphic sign may not display the same message for more than 60 days within a 12 month period. (Ord. Nos. 26786; 27852)

SEC. 51P-758.119. ADDITIONAL PROVISIONS.

- (a) In general.
 - (1) The Property must be properly maintained in a state of good repair and neat appearance.
 - (2) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (b) Pedestrian/bicycle paved pathway.

(1) Before the issuance of any certificate of occupancy, a pedestrian/bicycle paved pathway must be provided. The pathway must run the length of the district from the DART rail station right-of-way [north] to the south property line and be located on the west side of the creek channel in the open space as shown on the conceptual plan. The pedestrian/bicycle

paved pathway must be designed so that it can connect with the city trail system and sidewalks located within the district. The pathway must have a minimum width of 12 feet.

(2) The following amenities must be installed when the property adjacent to the pedestrian/bicycle paved pathway is developed. These amenities must be shown on a development plan approved by city plan commission or the park and recreation board, whichever is applicable (See 51P-758.119(b)(3)and(4)). Development of adjacent property, however, does not trigger the installation of all amenities along the pedestrian/bicycle paved pathway, but only the installation of those amenities within the area covered by the development plan.

(A) Three-inch caliper trees must be provided and located along the pathway at a minimum of one per 30 feet of pathway. The trees must be of the species listed in Section 51A-10.134.

(B) Benches and trash cans must be provided and located along the pathway at one per 400 feet of pathway. Benches and trash cans must be the same or equivalent as those used by the parks and recreation department in any city park.

(C) Drinking water fountains must be provided and located along the pathway at one per 800 feet of pathway. Drinking water fountains must be the same or equivalent as those used by the parks and recreation department in any city park.

(D) Pedestrian street lamps must be provided and located along the pathway at one lamp per 120 feet of pathway. The pedestrian street lamps must be the same or equivalent as those used by the department of parks and recreation in any city park or meet the requirements of Section 51P-758.114.

(3) For any portion of a pedestrian/bicycle paved pathway located in a public park, that portion of the pathway must be shown on the development plan and approved by the park and recreation board.

(4) For any portion of a pedestrian/bicycle paved pathway located outside of a public park, that portion of the pathway must be shown on the development plan and approved by the city plan commission.

(c) Bicycle parking. Bicycle racks must be provided outside of the open space shown on the conceptual plan to accommodate one bicycle for every 20 required non-residential off- street parking spaces.

(d) Shared access development in Subarea D.

(1) A shared access development may contain up to 60 lots with two shared access points.

(2) A fence located within the front yard setback that surrounds a shared access development may be masonry, wrought iron, or a combination of these materials and up to eight feet in height.

(3) A minimum of 15,000 square feet of common area must be provided.
(Ord. Nos. 26786; 27852; 30084)

SEC. 51P-758.120. COMPLIANCE WITH CONDITIONS.

(a) 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 department of public works and transportation.

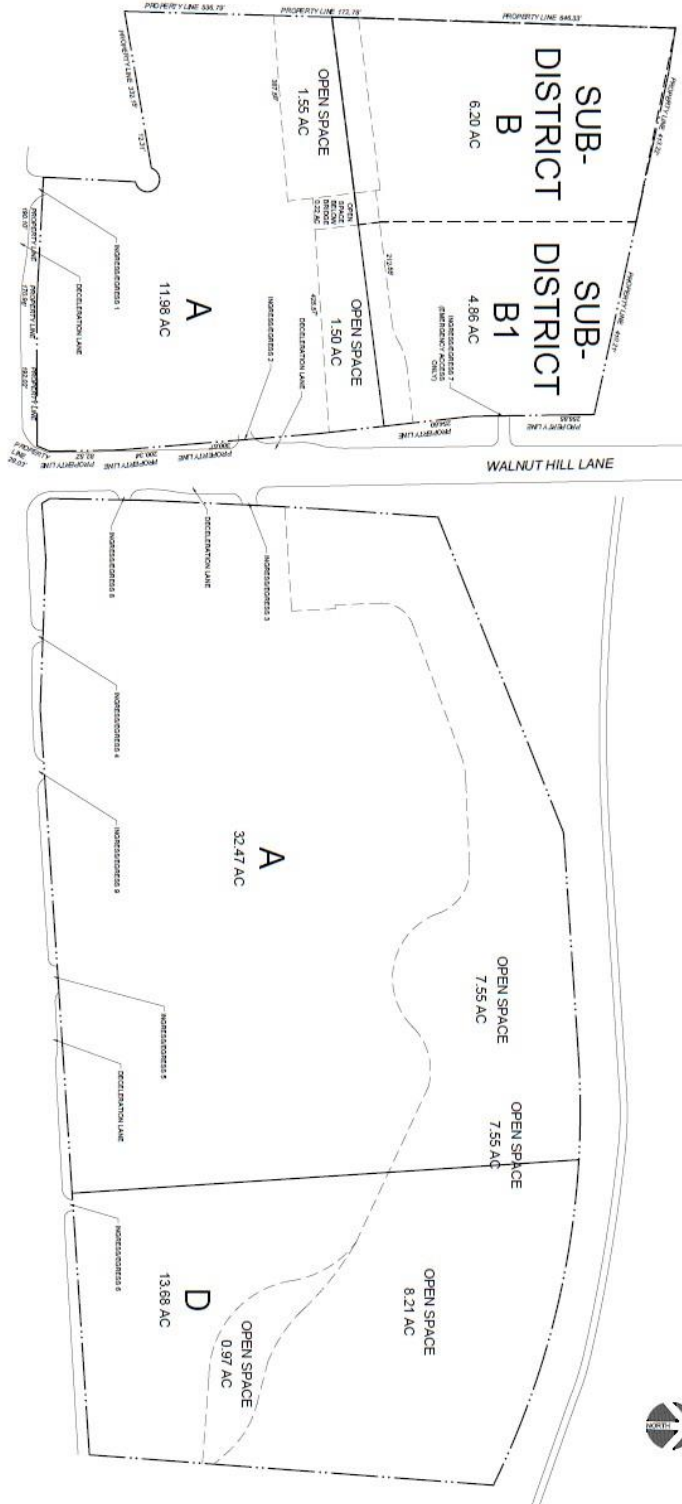
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 26786)

**CPC Recommended
Proposed Conceptual Plan
Exhibit 758A**



1

CONCEPTUAL PLAN
SCALE: 1" = 100'-0"



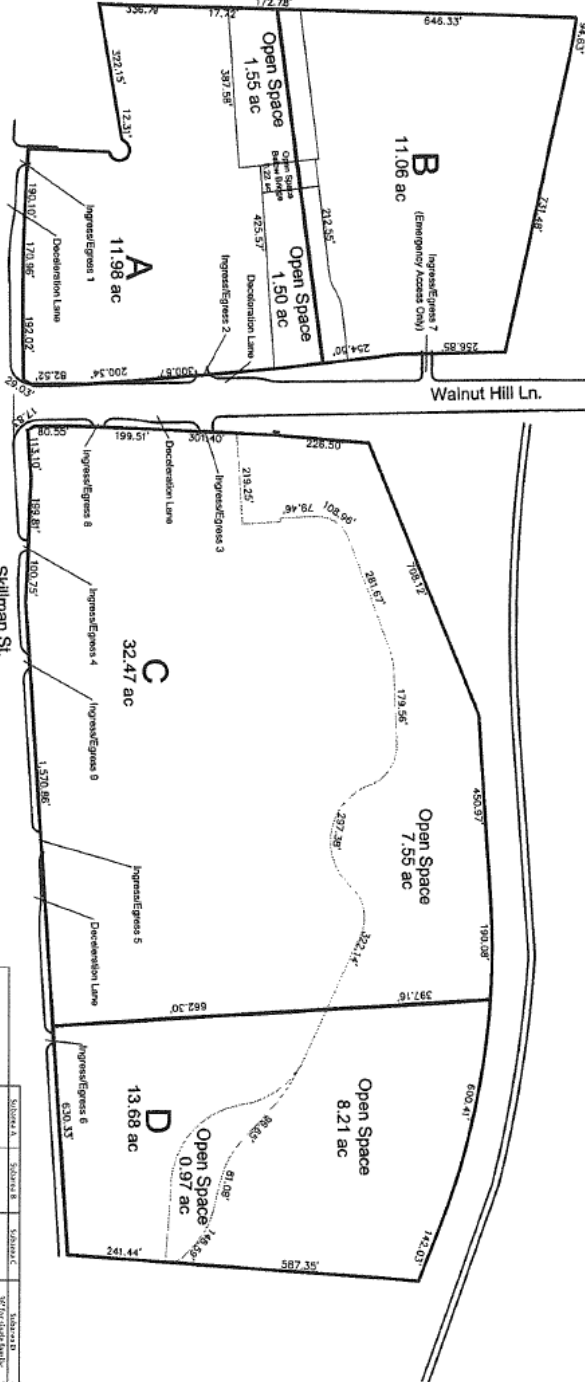
**Existing Conceptual Plan
Exhibit 758A**

30084

Exhibit 758 A

Exhibit 758A

160768



Lot	Area (ac)	Dimensions	Notes
A	11.98	11.98 ac	
B	11.06	11.06 ac	Includes 1.55 ac, 1.50 ac, and 0.97 ac Open Space
C	32.47	32.47 ac	Includes 7.55 ac Open Space
D	13.68	13.68 ac	Includes 8.21 ac Open Space

Approved
City Plan Commission
April 7, 2016

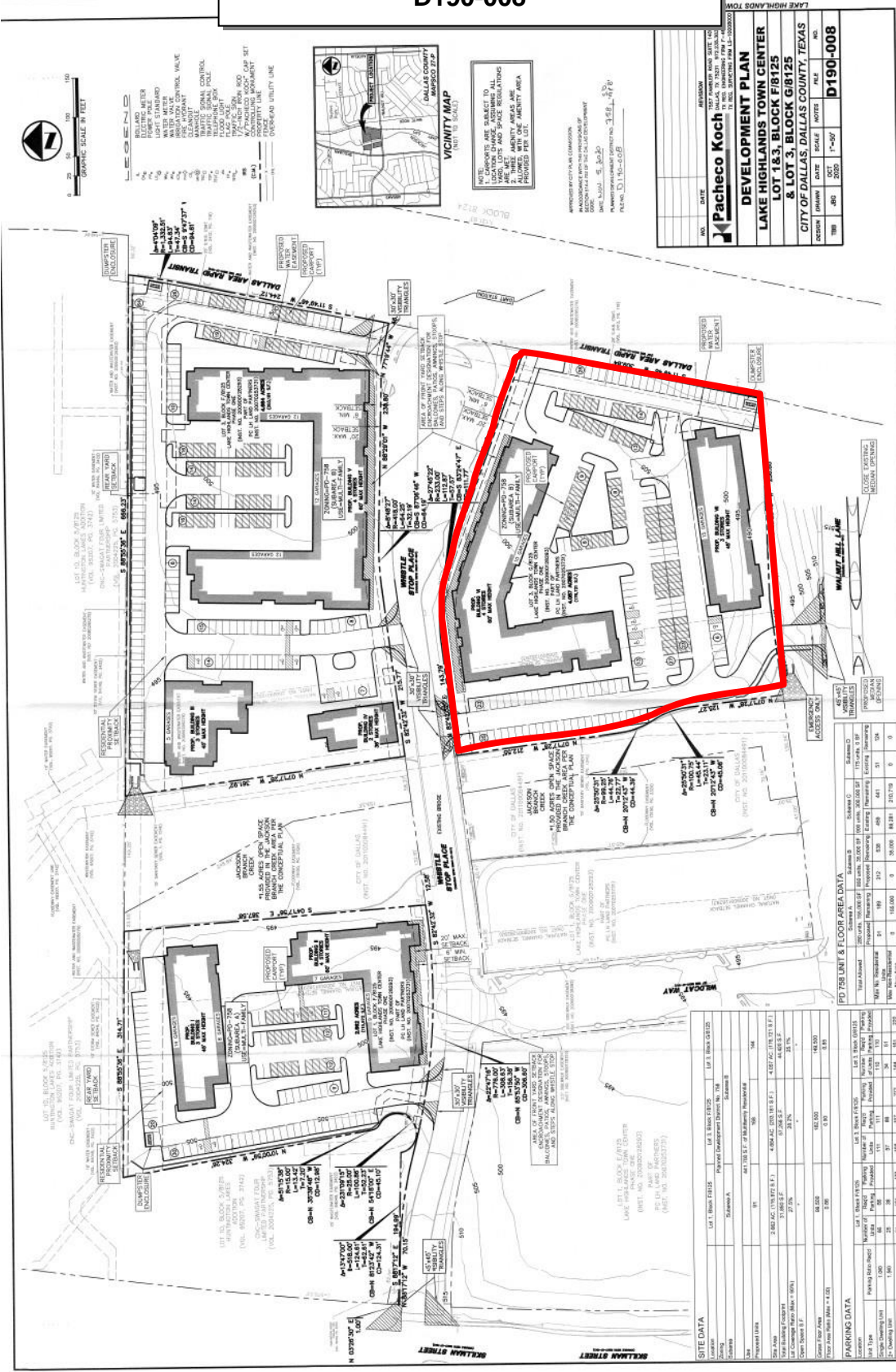
Planned Development
District No. 758

CONCEPTUAL PLAN
LAKE HIGHLANDS TOWN CEM
PLANNED DEVELOPMENT DISTRICT NO. 758

Pacheco Koch Consulting Eng
10000 N. 10th St., Suite 100
Phoenix, AZ 85020
Tel: 602.998.8888
Fax: 602.998.8889
www.pacheco-koch.com

ZONING CASE: Z156-173

Existing Development Plan D190-008



LEGEND

GRAPHIC SCALE IN FEET

0 20 40 60 80 100

1" = 40'

1" = 80'

1" = 160'

1" = 320'

1" = 640'

1" = 1280'

1" = 2560'

1" = 5120'

1" = 10240'

1" = 20480'

1" = 40960'

1" = 81920'

1" = 163840'

1" = 327680'

1" = 655360'

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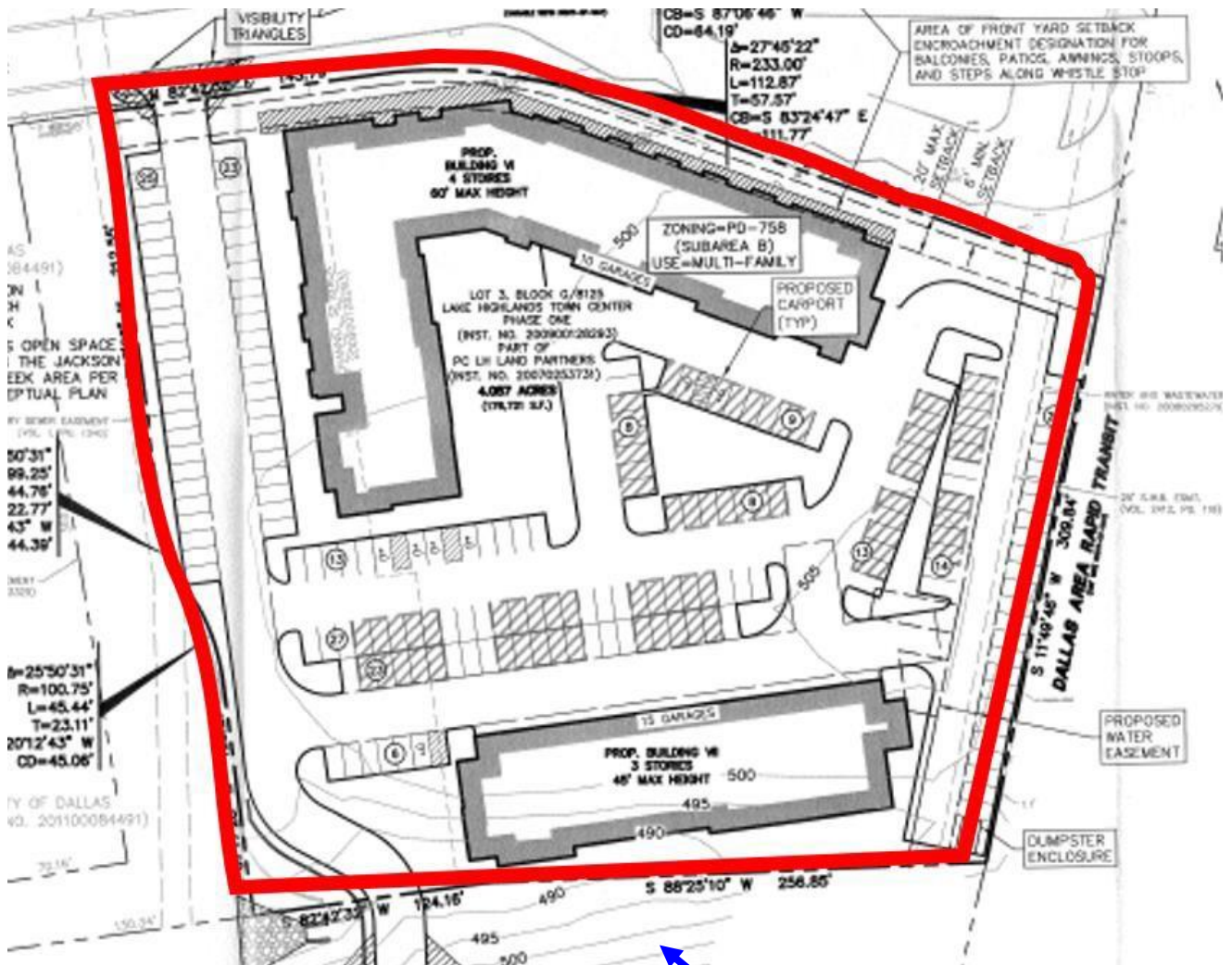
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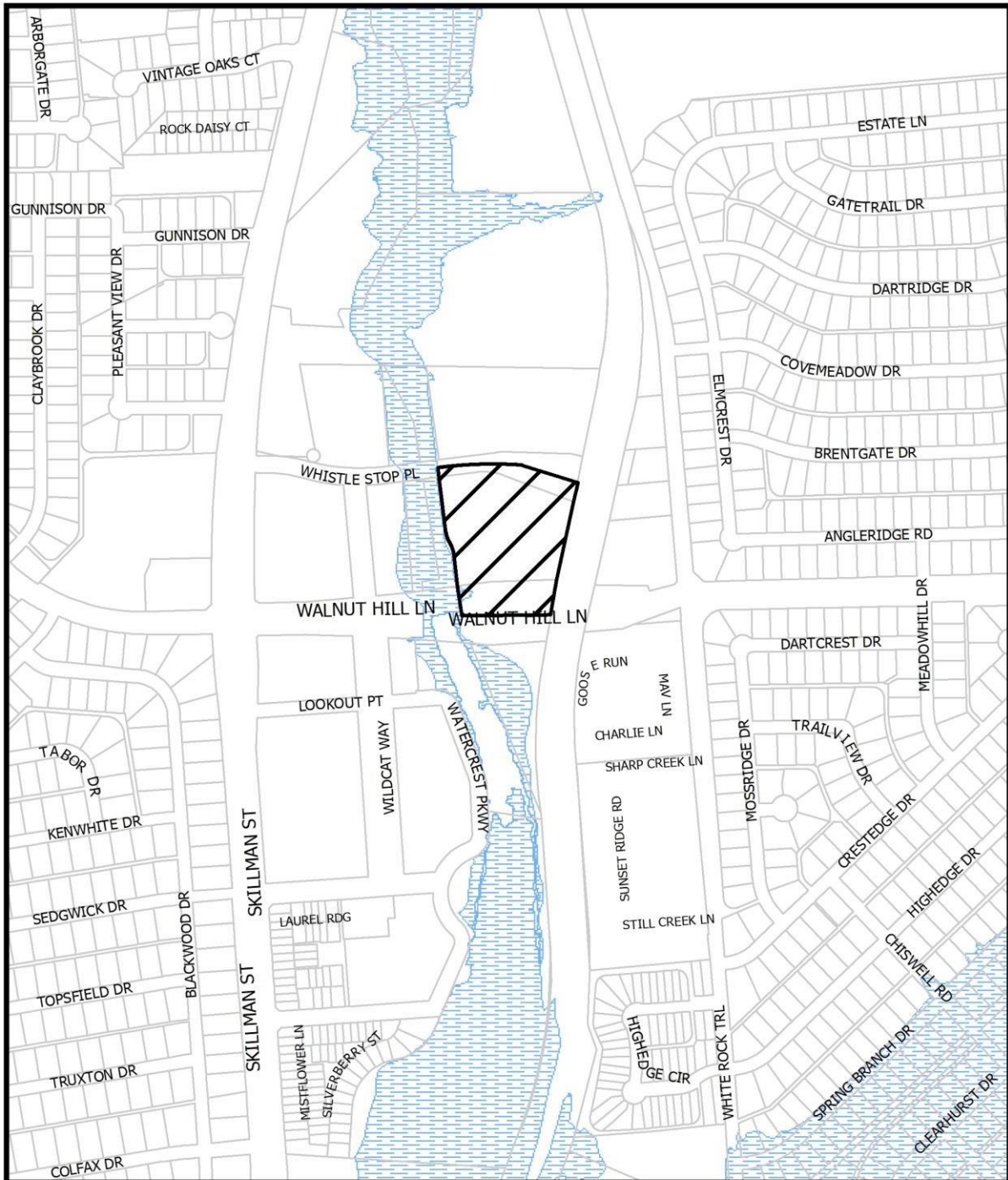
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1" =

**Enlarged Development Plan
D190-008**



Walnut Hill Lane frontage and area seeking relief from providing a five-foot sidewalk with a five-foot landscaping buffer between the back of curb and sidewalk.

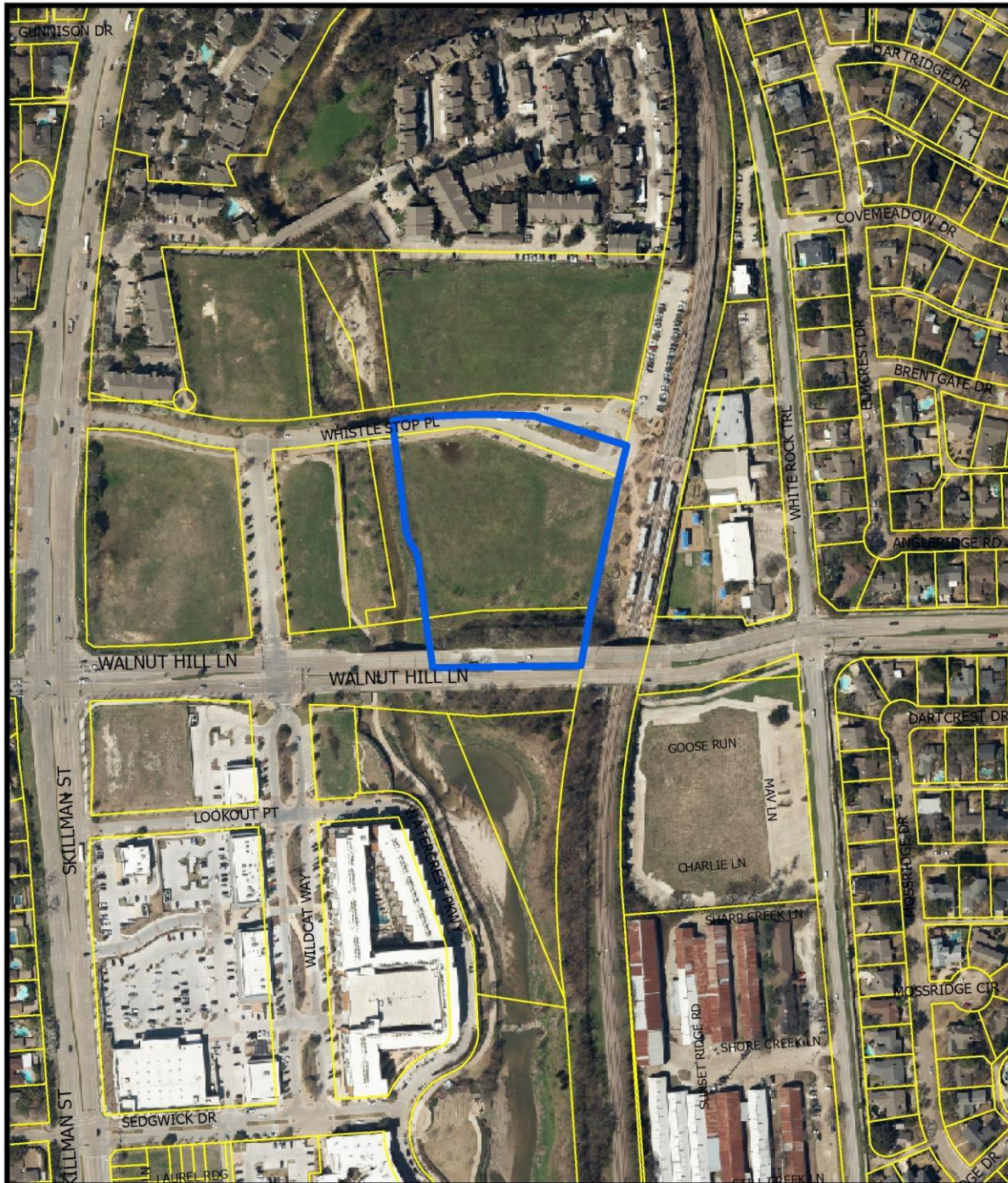


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VICINITY MAP

Case no: Z223-120

Date: 4/3/2023

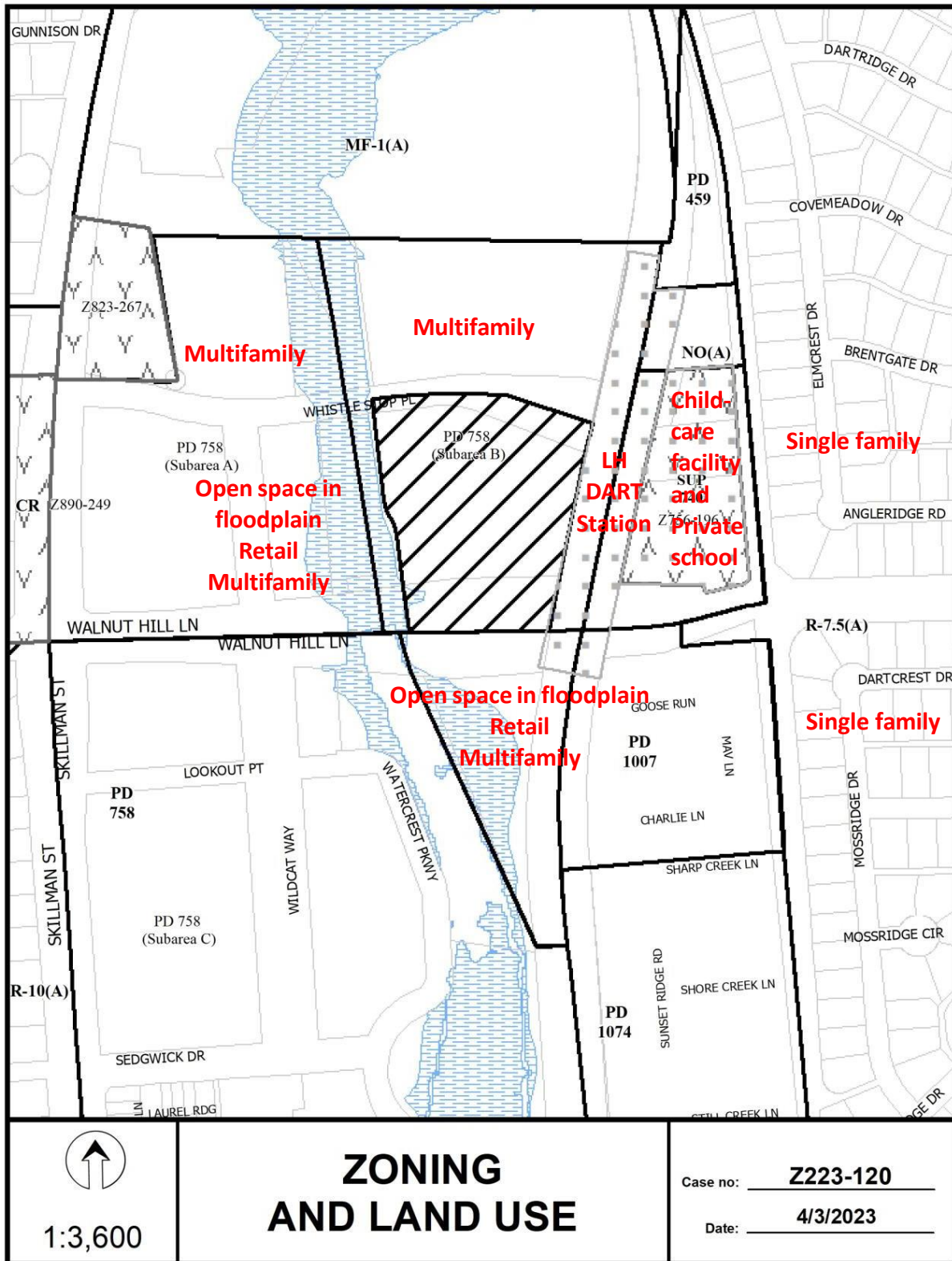


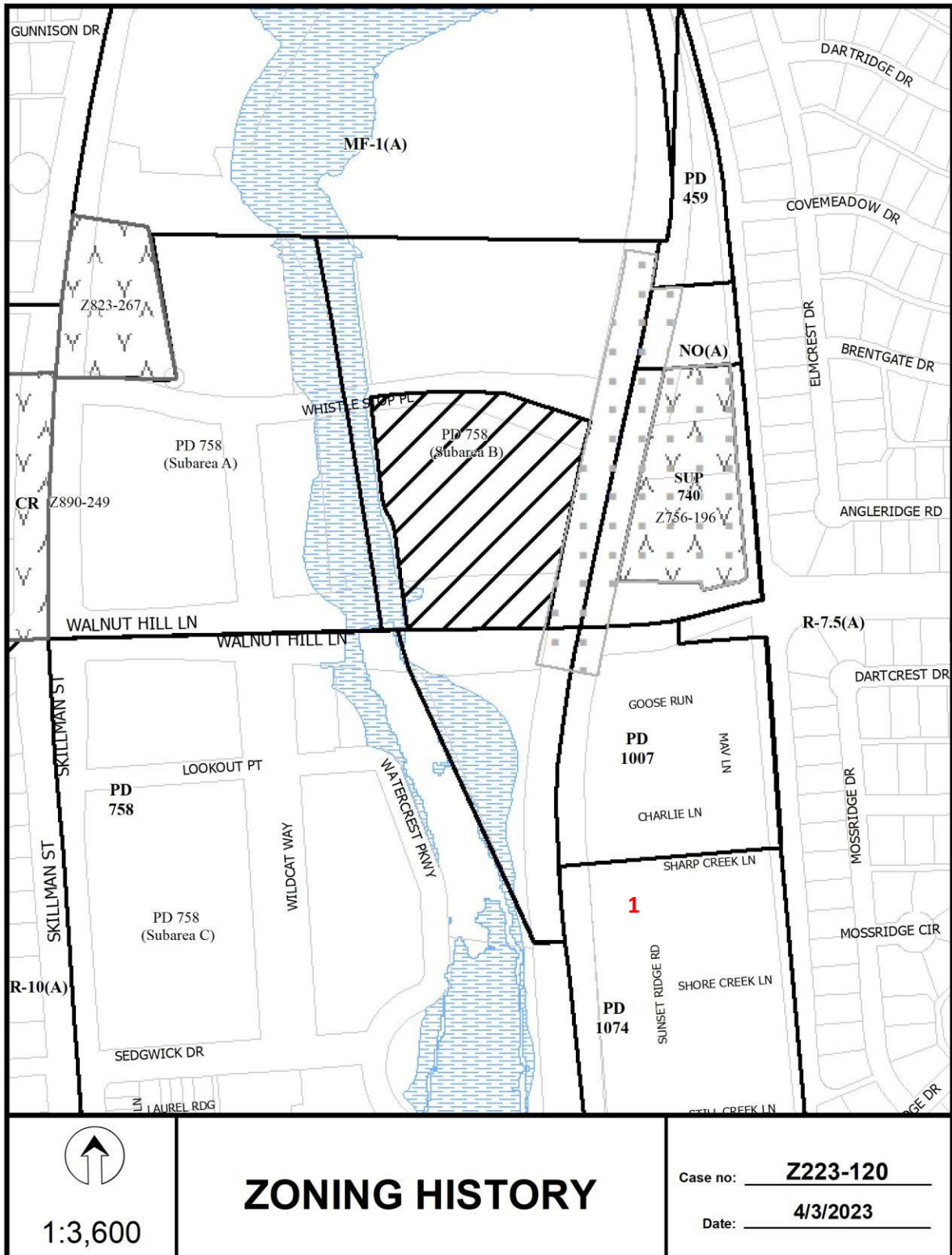
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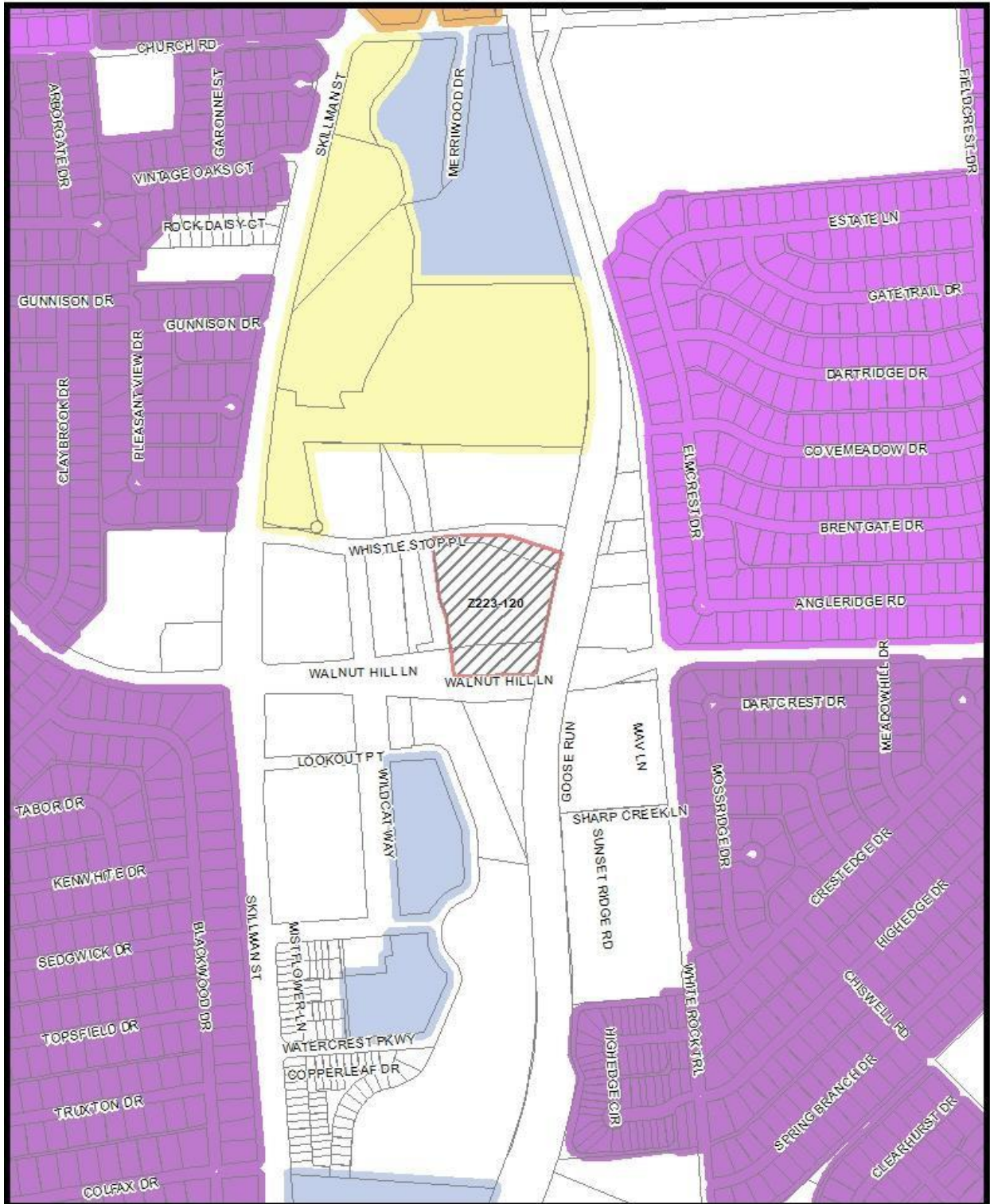
AERIAL MAP

Case no: Z223-120

Date: 4/3/2023







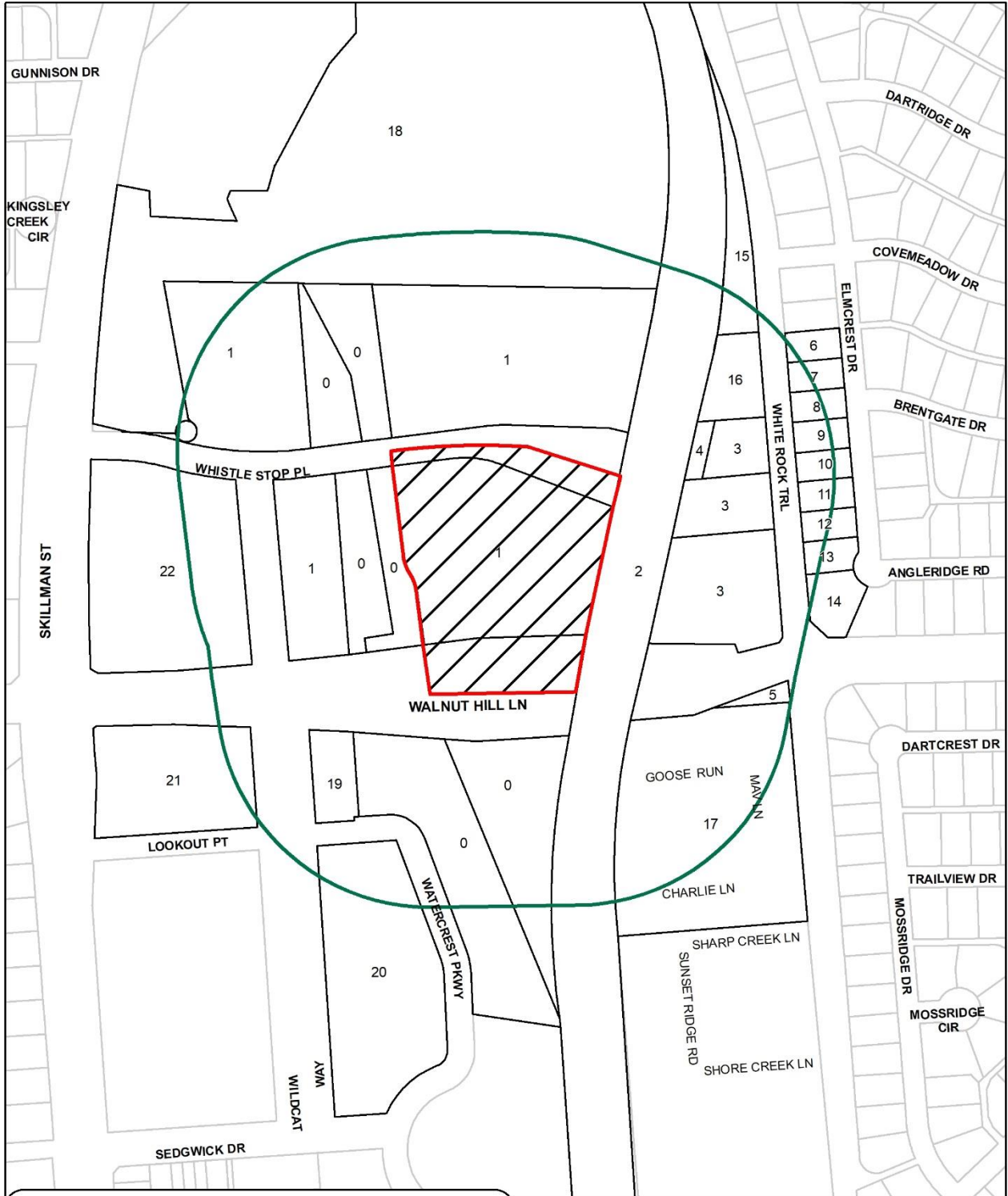
Market Value Analysis A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 4/4/2023

CPC RESPONSES



22	Property Owners Notified (33 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
4/20/2023	Date

Z223-120
CPC



1:3,600

04/19/2023

Reply List of Property Owners**Z223-120****22 Property Owners Notified****0 Property Owners in Favor****0 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	9301 WHISTLE STOP PL	OHFP LAKE HIGHLANDS LP
	2	555 2ND AVE	DART
	3	9727 WHITE ROCK TRL	ADAMS JOHN & MARY LP
	4	9735 WHITE ROCK TRL	ADAMS JOHN & MARY LP
	5	9611 WHITE ROCK TRL	ADAMS JOHN B & MARY
	6	9743 ELMCREST DR	WAINSCOTT ASHLEY H
	7	9737 ELMCREST DR	CANADY ROBEY D JR & AMY J
	8	9733 ELMCREST DR	WALTERS DONN R & ANN D
	9	9729 ELMCREST DR	HENINGTON BRYAN & LISA
	10	9723 ELMCREST DR	HYNEK CLAIRE ADELE &
	11	9719 ELMCREST DR	HENRY MARY PAMELA & JOHN T III
	12	9715 ELMCREST DR	RACINE RANDY A
	13	9709 ELMCREST DR	DOWDEN EMILY P &
	14	9703 ELMCREST DR	KRAEMER ROBBIE DEE
	15	9757 WHITE ROCK TRL	RJG LLC
	16	9757 WHITE ROCK TRL	THE WHITE ROCK NORTH SCHOOLS TRUST
	17	9601 WHITE ROCK TRL	PSW WHITE ROCK TRAIL LLC
	18	7324 SKILLMAN ST	CNC SWAGAT FOUR LTD PS
	19	9321 LOOKOUT PT	LHHLD LP
	20	9330 LOOKOUT PT	HILLTOP LOOKOUT PROPERTY
	21	7200 SKILLMAN ST	GRI LAKE HIGHLANDS LLC
	22	7300 SKILLMAN ST	OHFP LAKE HIGHLANDS LP