

## NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT WILL MEET IN A REGULAR SESSION IN THE SENATOR FLORENCE SHAPIRO COUNCIL CHAMBERS LOCATED AT, 1520 AVENUE K, PLANO, TEXAS AT 3:00 P.M. TUESDAY, MARCH 08, 2016.

The Board of Adjustment may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.

### PUBLIC COMMENTS:

1. The Board of Adjustment will hear comments of public interest. Time restraints may be directed by the Chair of the Board of Adjustment. Specific factual information, explanation of current policy, or clarification of Board of Adjustment authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.

### APPROVAL OF MINUTES:

2. February 23, 2016 meeting

### SIGN APPEAL REQUEST:

3. **APPEAL # 16-06S 3800 Dallas Parkway:** A request to vary from Subsection 22.300 (.1) (B) (i)(ii) of Division 4, Article 22, Zoning Ordinance No. 2015-5-2 as amended, to:
  - a). allow an additional wall sign to exceed the allowable 908.92 square feet by 164.78 square feet for an overall of 1073.7 square feet and,
  - b). allow a wall sign to exceed the height of 6 feet by 1 foot for an overall of 7 feet in height. This appeal is requested by property owner Don Harton with Cinemark, to be represented by Debbie Moltz with Chandler Signs

### OTHER:

4. Items for future Agenda.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K, Plano, Texas on the 26<sup>th</sup> day of February 20 16, at 5:00 o'clock pm.

Allan D. Snyder  
Asst. City Secretary



### **Council Liaisons: Deputy Mayor Pro Tem Ben Harris and Council Member Rick Grady**

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Ave., with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140

**Board of Adjustment  
February 23, 2016**

Board Members Present

Carolyn Kalchthaler, Chairperson  
Robert Miller  
Peter Krause  
William Gibson  
Enghlab Eftekhari  
Jim Norton  
Ban Alali  
Phillip Pierceall, Alternate

Absent

Phil Head, Alternate

Staff

Victoria Huynh, Deputy City Attorney  
Selso Mata, Building Official  
Wayne Snell, Assistant Building Official  
Laura Wigglesworth, Code Compliance Rep  
Diana Casady, Sr. Administrative Assistant

Chair Carolyn Kalchthaler called the meeting to order at 3:00 p.m., Tuesday, February 23, 2016 in the Senator Florence Shapiro Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Chairperson Kalchthaler admitted all documents and testimony given into the official Board of Adjustment record.

**1. Public comments: There was no public comment.**

**2. Approval of Minutes from February 8, 2016**

Board Member Peter Krause made the motion to approve the minutes from February 8, 2016, Ban Alali seconded the motion. The Board voted 8/0 in favor of approving the minutes from February 8, 2016.

**3. APPEAL # 16-05S 680 Executive Drive: A request to vary from Subsection 22.300 (.1)(A)(ii) of Division 4, Article 22, Zoning Ordinance No. 2015-5-2 as amended, to allow a projecting sign to exceed the allowed 4 feet height by 6.67 feet for an overall height of 10.67 feet.**

Laura Wigglesworth, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Murphy Webster III, Force Communications, representing the property owner, testified that with the easements, and setbacks requirements at the property, they are not able to install a monument sign along Plano Parkway. They have a monument sign of 100 square foot on the Executive Drive elevation. The light reflects back to the sign; no light will be emitted beyond the sign area. Per Ordinance 2001-4-12, the Planned Development allows the 100 square foot monument sign per building front. On Executive Drive, the property owner chose to go with a monument sign, and on Plano Parkway with easements and

setbacks requirements, they would like to install a 100 square foot sign as a projection sign hanging from the side of building. Selso Mata explained to the Board how the Planned Development was established. Mr. Webster answered questions from the Board.

Chairperson Kalchthaler closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Peter Krause made the motion to approve Appeal #16-05S. Jim Norton seconded the motion. The Board voted 4/4 in favor of the motion with Robert Miller, Ban Alali, Philip Pierceall, and Enghlab Eftekhari voting against granting the variance. As a result, the variance request was denied as it did not receive six (6) affirmative votes required by state law.

#### **4. Items for future Agenda.**

There is one case for the March 8, 2016 meeting.

Meeting adjourned at 3:46 p.m.

---

Carolyn Kalchthaler, Chairperson



**SIGN APPEAL TO THE BOARD OF ADJUSTMENT**

SIGN APPEAL APPEAL NO.: 16-065

FILING FEE \$265.00  
RECEIPT NO. \_\_\_\_\_  
RECEIPT DATE: \_\_\_\_\_

**PLEASE TYPE OR PRINT USING BLACK INK**

**APPEAL LOCATION:**

Street Address: Cinemark #231 - 3800 Dallas Parkway Zoning District: RE- Dallas North Tollway Overlay District  
Lot Number: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

**TO THE HONORABLE BOARD OF ADJUSTMENT:**

Don Harton 972-665-1104  
(Applicant) (Applicant Phone Number)  
Cinemark 3900 Dallas Parkway Plano TX 75093  
(Applicant Street Address City State Zip)

In accordance with the provisions of the Sign Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific)

Request to install Luxury Loungers sign (164.78 square feet) on front building elevation for an overall of 1073.7 square feet.

Additionally, we are requesting a 7' tall sign which exceeds the allowable sign height by 12".

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. No variance shall be granted if it conflicts with the spirit of the ordinance. In order to make a finding of hardship and to grant a variance, the Board of Adjustment shall consider the following conditions:

a. The requested variance does not violate the intent of the ordinance:

No, when the scale of building and size of property being addressed are considered.

b. The requested variance will not adversely affect surrounding properties:

The proposed Luxury Loungers sign on the front is intended to address Cinemark's customers in their parking lot and accordingly will not affect the surrounding businesses.

The subject signage is mounted on an elevation facing the parking lot well away from surrounding properties.

c. The requested variance will not adversely affect public safety:

The signs will not affect the public's safety. They are internally illuminated shielded by acrylic faces that do not flash, blink, or otherwise cause a distraction. The sign is proposed to be installed a significant distance from any main vehicle entry that would cause a hazard. Also, the sign is mounted high enough not to be of any hazard to pedestrians.

d. Special conditions exist which are unique to this applicant or property:

This building is set back a good distance from Dallas North Tollway, and located adjacent to their corporate office.

e. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user? Circle one: Yes (No) If Yes, see question (f.)



**SIGN APPEAL TO THE BOARD OF ADJUSTMENT**

f. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*  
The undersigned officer(s) and/or agent(s) of the property owner(s) are the properly authorized officials and by signing below have the necessary authority to execute this application on behalf of applicant hereto.

Don Harton / CNMK Texas Properties LLC, 3900 Dallas Parkway, Plano TX 75093 2/12/16  
Name Address City State Zip Date

**PLEASE CHECK ONE:**

\_\_\_\_\_ I will represent this variance request at the Board meeting

X \_\_\_\_\_ I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

Debbie Moltz, Chandler Signs 3201 Manor Way Dallas TX 75235 2/12/16  
Name Address City State Zip Date

\*\*\*\*\*  
**NOTE TO APPLICANT:**

A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case. DH (initial)

I hereby certify that the above statements are true and correct to the best of my knowledge. I acknowledge that I may withdraw my application prior to it being presented to the Board. To resubmit the application I understand I will need to submit another application fee. DH (initial)

Don Harton  
Applicant's Signature  
Don Harton  
Please Print Name

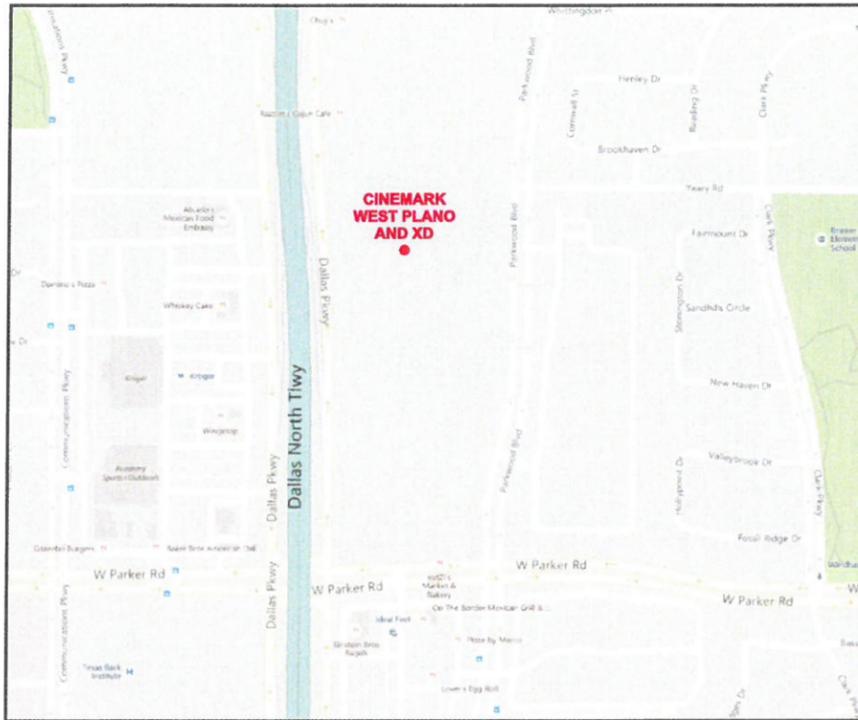
STATE OF TEXAS  
COUNTY OF COLLIN

Subscribed and sworn to before me this 12<sup>th</sup> day of February, 2016



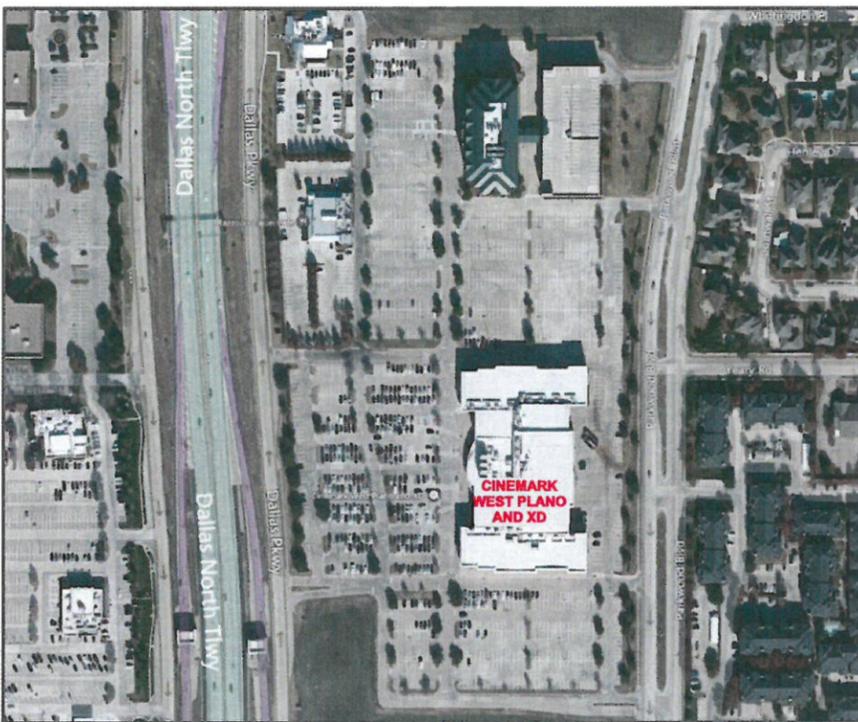
Julia M. Martinez  
Notary Public  
My commission expires: 9-25-2017

(Seal)



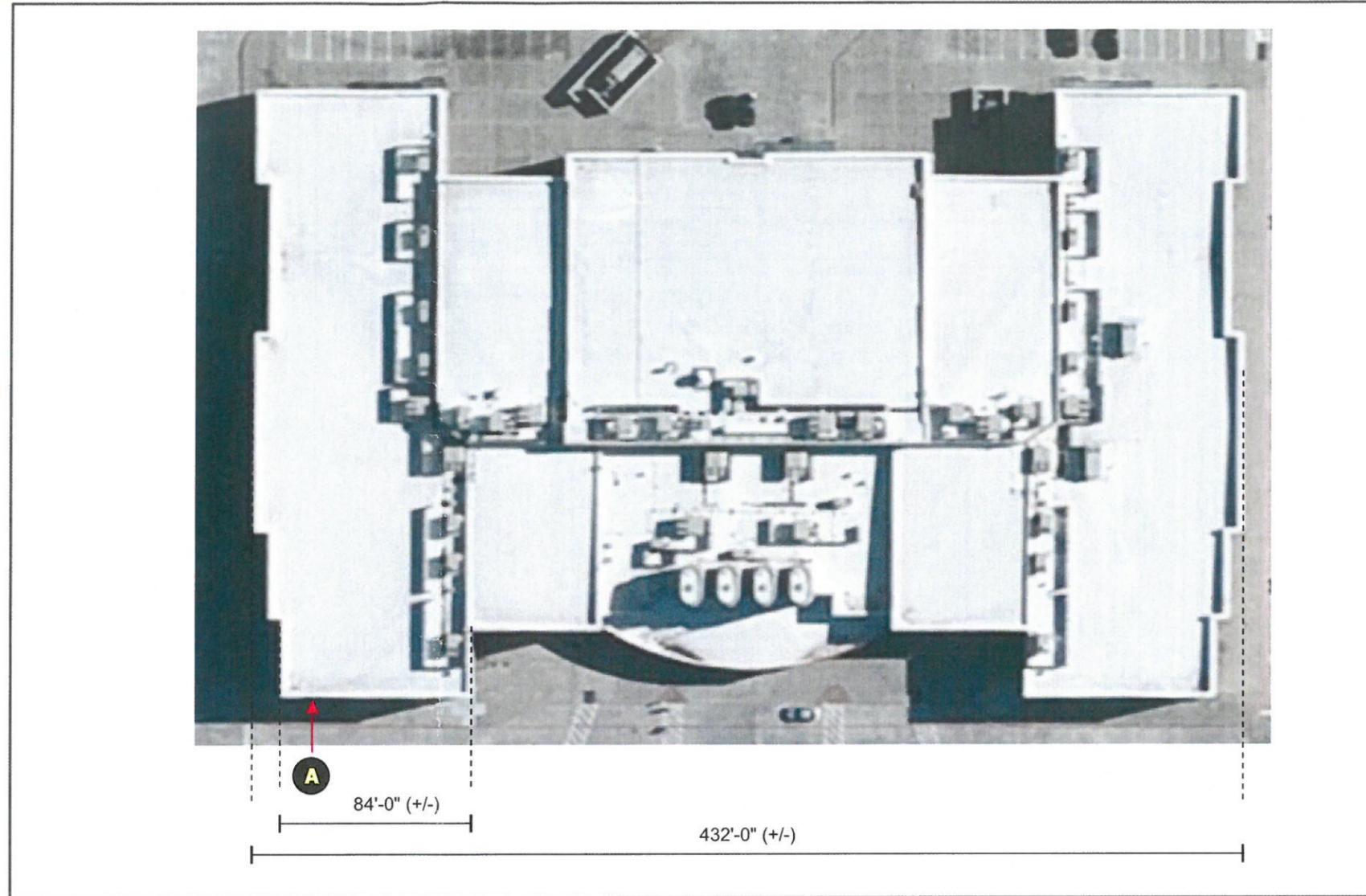
**LOCATOR MAP**

N.T.S.



**AERIAL VIEW**

N.T.S.



**SITE PLAN (PROPOSED)**

N.T.S.



Design #	0611603AR3
Sheet	1 of 5
Location	#231
Address	3800 DALLAS PARKWAY, PLANO, TX 75093
Acct. Rep.	DEBBIE MOLTZ
Coordinator	LAUREN STACKHOUSE
Designer	TQ
Date	09/03/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

Revision / Date	
R1/10-15-15UE	REMOVED OPT. 2 FOR SIGN B. REMOVED WHITE COPY READING, "CINEMARK" FROM DIGITALLY PRINTED MURAL.
R2/10-28-15UE	ADDED ART FOR EXISTING SIGNS. CALCULATED AND TOTALED THE SQUARE FOOTAGE OF ALL SIGNAGE.
R3/02/17/16HP	'B' REMOVED FROM PACKET

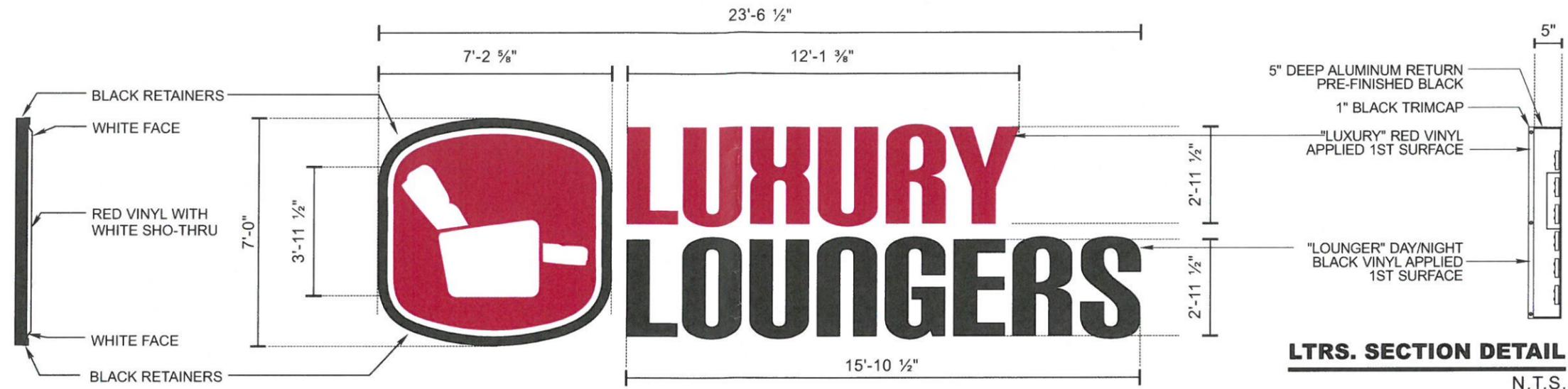
3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
963 Barter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-428-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
1335 Park Center Drive, UNIT C 760-967-7003	Vista, CA 92081 Fax 760-967-7033

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**FINAL ELECTRICAL CONNECTION BY CUSTOMER**

THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).





**LOGO END VIEW**

**A SELF CONTAINED LOGO AND PCL'S**  
ONE ( 1 ) SET REQUIRED - MANUFACTURE AND INSTALL

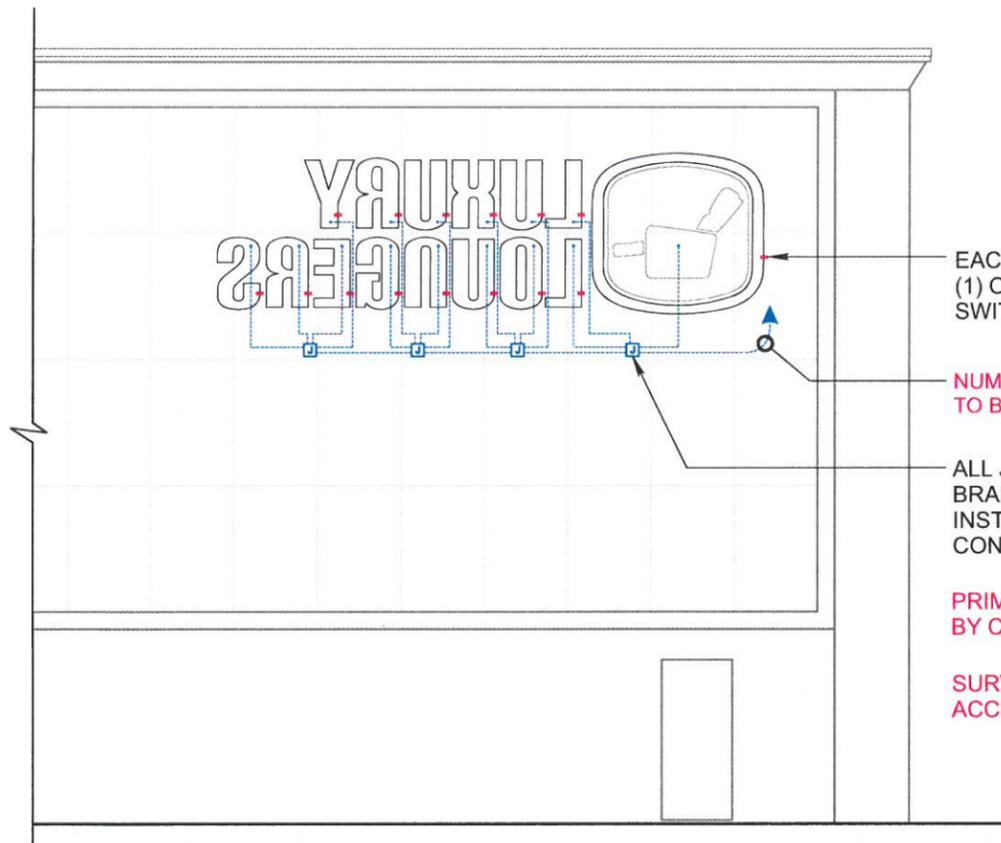
SCALE: 1/4"=1'-0"  
SQ. FT. : 164.93

**LOUNGER LOGO**

- 5" DEEP SELF-CONTAINED CHANNEL LOGO WITH RETURNS AND 2 1/2" RETAINERS PAINTED BLACK.
- PAN FORMED WHITE POLYCARBONATE FACE WITH 3M #3630-53 CARDINAL RED VINYL APPLIED 1ST SURFACE AND WHITE SHO-THRU LOGO. BLACK VINYL OUTER PERIMETER (SEE NEXT PAGE FOR DETAIL).
- LOGO ILLUMINATED WITH WHITE LEDS AND SELF-CONTAINED POWER SUPPLIES MOUNTED INSIDE CABINET.

**LUXURY LOUNGER LETTERS**

- "LUXURY" - 5" ALUMINUM RETURNS PRE-FINISHED BLACK WITH 1" BLACK TRIM CAP. WHITE PLEX FACE WITH 3M #3630-53 CARDINAL RED VINYL APPLIED 1ST SURFACE. ILLUMINATED WITH RED LEDS.
- "LOUNGER" - WHITE PLEX FACE WITH BLACK DAY/NIGHT VINYL APPLIED 1ST SURFACE. ILLUMINATED WITH WHITE LEDS.
- SELF-CONTAINED POWER SUPPLIES MOUNTED INSIDE LETTERS.



**MIRROR IMAGE BEHIND WALL**

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

VERIFY ACCESS BEHIND WALL. DETERMINE WHETHER AREA IS BEHIND DRAPES OR MOVIE SCREEN.

- EACH LETTER TO HAVE ONE (1) ON/OFF DISCONNECT SWITCH BY CHANDLER SIGNS
- NUMBER OF CIRCUITS REQUIRED TO BE DETERMINED
- ALL J-BOXES AND SECONDARY BRANCHES PROVIDED AND INSTALLED BY ELECTRICAL CONTRACTOR
- PRIMARY ELECT. PROVIDED BY CUSTOMER.
- SURVEY REQUIRED TO CONFIRM ACCESS FOR WIRING.



**PARTIAL FRONT BLDG. ELEVATION**

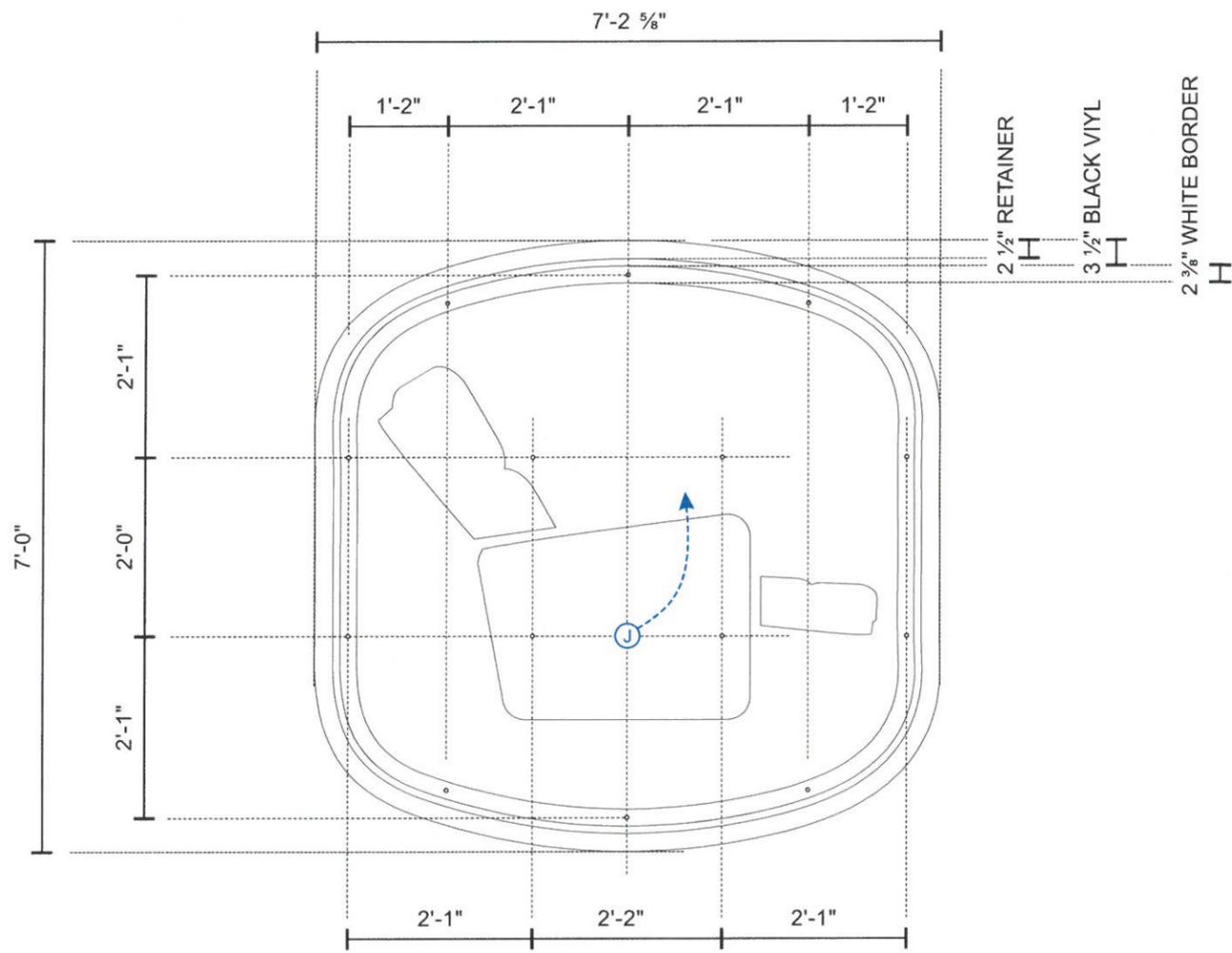
SCALE: 1/16" = 1'-0"

E.I.F.S. WALL

Design #	0611603AR3
Sheet	2 of 5
Location	#231
Address	3800 DALLAS PARKWAY, PLANO, TX 75093
Acct. Rep.	DEBBIE MOLTZ
Coordinator	LAUREN STACKHOUSE
Designer	TQ
Date	09/03/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

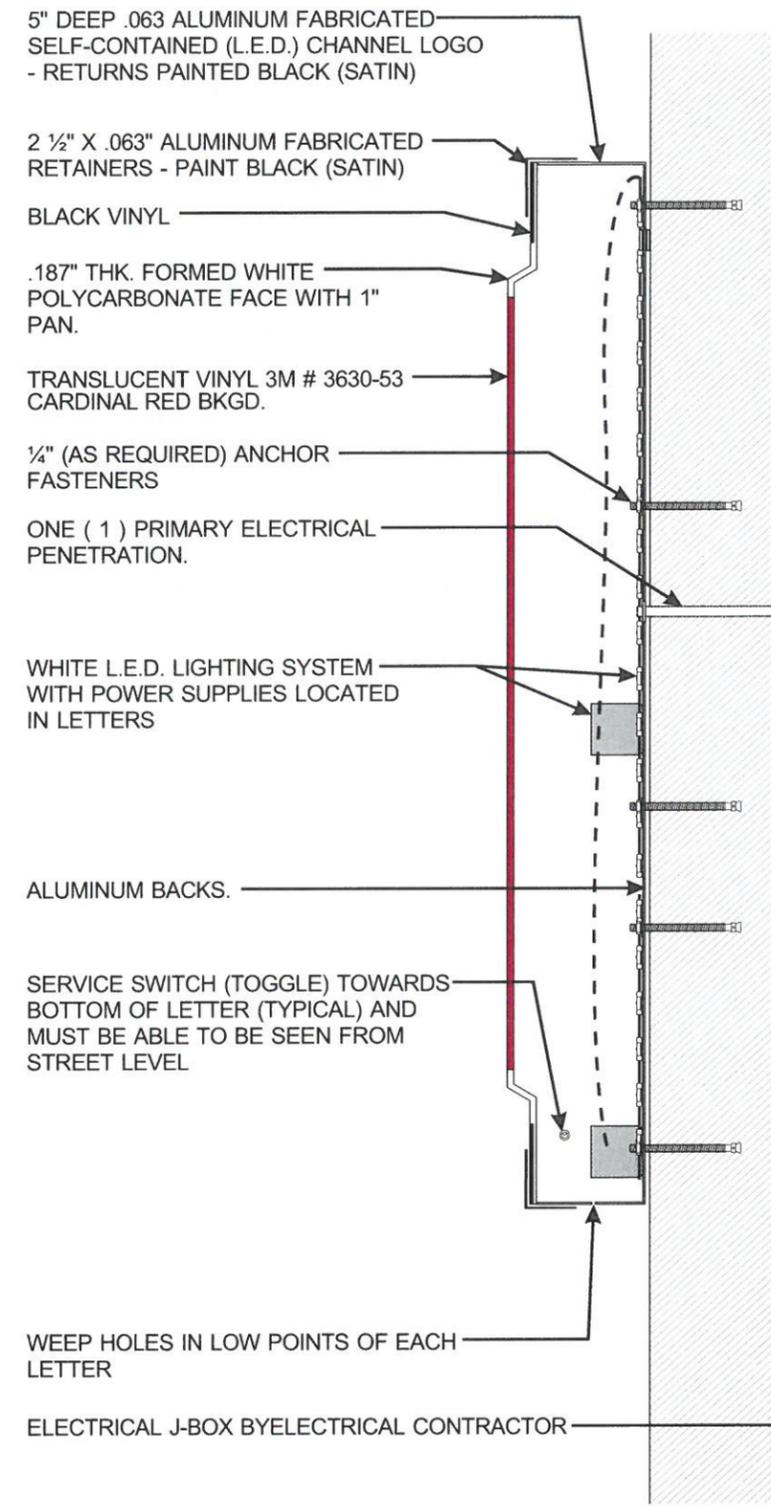
Revision / Date
R1(10-15-15)UE: REMOVED OPT. 2 FOR SIGN B. REMOVED WHITE COPY READING, "CINEMARK" FROM DIGITALLY PRINTED MURAL.
R2(10-28-15)UE: ADDED ART FOR EXISTING SIGNS. CALCULATED AND TOTALED THE SQUARE FOOTAGE OF ALL SIGNAGE.
R3(02/17/16)HP: 'B' REMOVED FROM PACKET

3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
963 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-428-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Dorral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
1335 Park Center Drive, UNIT C 760-967-7003	Visita, CA 92081 Fax 760-967-7033



**CHANNEL LETTER LOGO**

SCALE: 1/2"=1'-0"



**SECTION DETAIL**

SCALE: 1 1/2" = 1'-0"

Design #	0611603AR3
Sheet	3 of 5
Location	#231
Address	3800 DALLAS PARKWAY, PLANO, TX 75093
Acct. Rep.	DEBBIE MOLTZ
Coordinator	LAUREN STACKHOUSE
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Approval / Date	
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Revision / Date  
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 REMOVED WHITE COPY READING, "CINEMARK" FROM  
 DIGITALLY PRINTED MURAL.  
 R2/10-28-15: ADDED ART FOR EXISTING SIGNS.  
 CALCULATED AND TOTALED THE SQUARE FOOTAGE OF  
 ALL SIGNAGE.  
 R3/02/17/16: 'B' REMOVED FROM PACKET

**Chandler Signs**  
Brand Image Begins Here.

3201 Honor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
863 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-612-0013
2584 Sand Hill Point Circle 863-420-1100	Daytonport, FL 32837 Fax 863-426-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doris Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
1335 Park Center Drive, UNIT C 760-967-7003	Viola, CA 92081 Fax 760-967-7033

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**FINAL ELECTRICAL CONNECTION BY CUSTOMER**

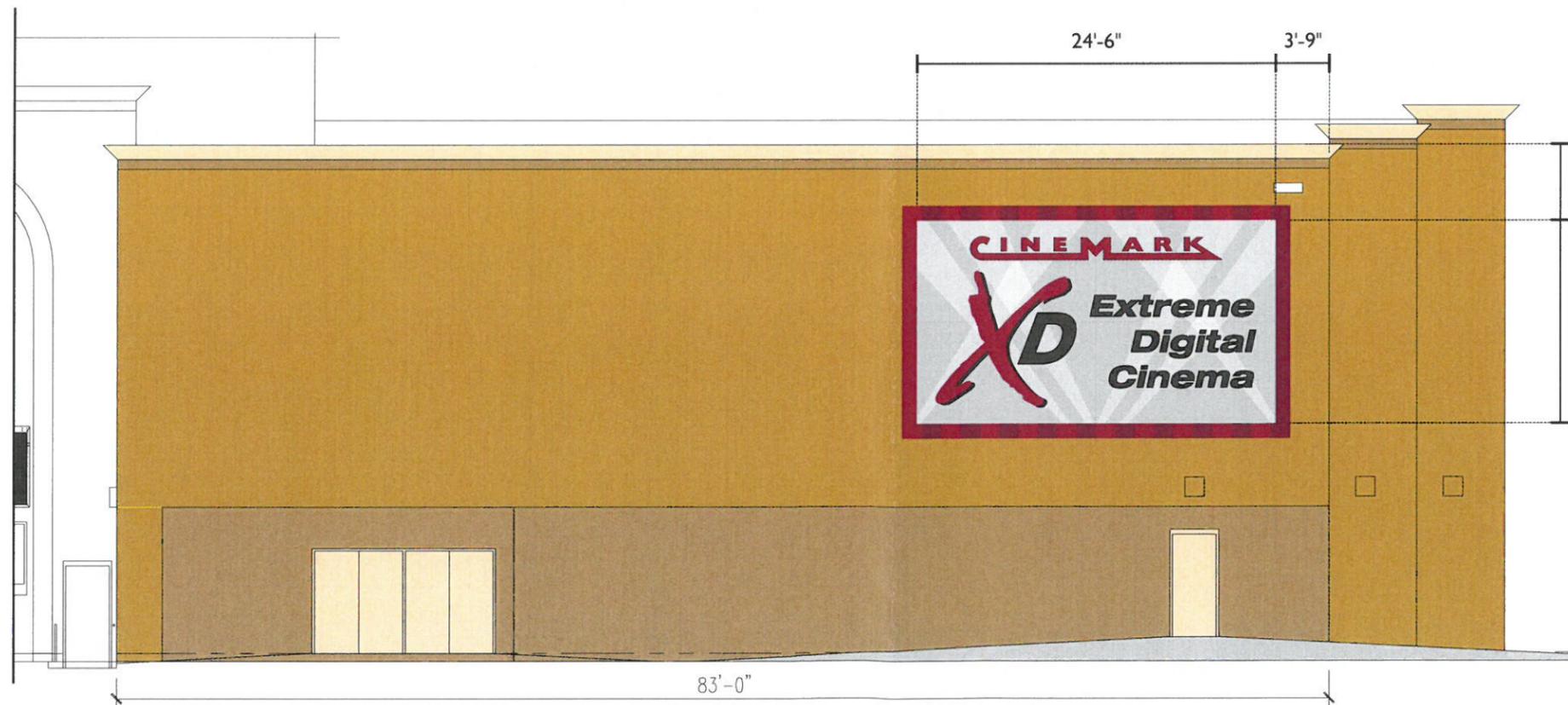
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**FRONT ELEVATION**  
**EXISTING SIGN #1**

1/32" = 1'-0"



**RIGHT END / FRONT ELEVATION**  
**EXISTING SIGN #1**

3/32" = 1'-0"

SQ. FT. : 338.91

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Sheet	4 of 5
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R2(10-26-15)E: ADDED ART FOR EXISTING SIGNS. CALCULATED AND TOTALED THE SQUARE FOOTAGE OF ALL SIGNAGE.

R3(02/17/16)P: 'B' REMOVED FROM PACKET

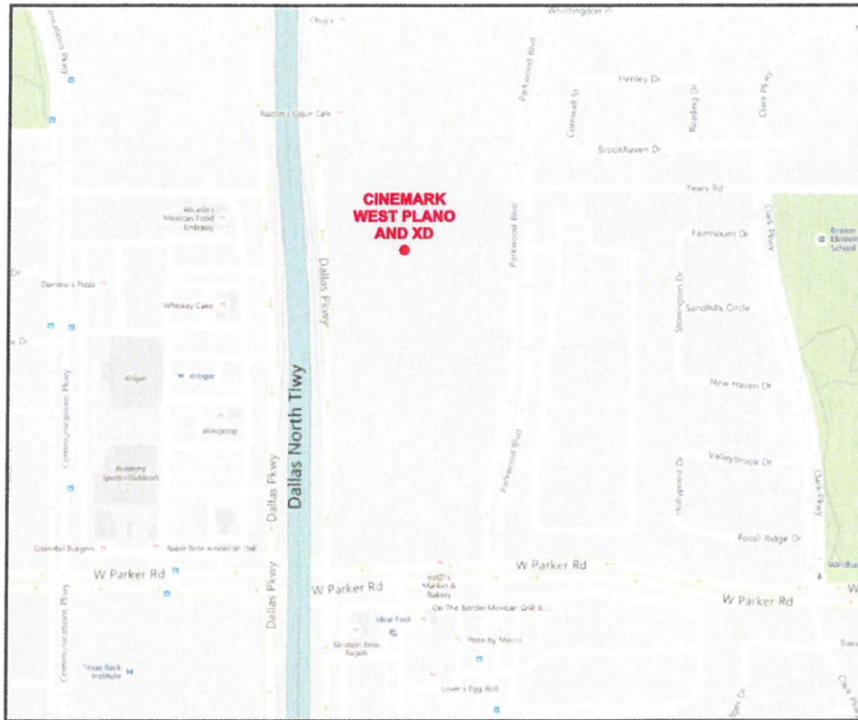
**Chandler Signs**  
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3281 Manor Way 214-962-2000	Dallas, TX 75235 Fax 214-962-2044
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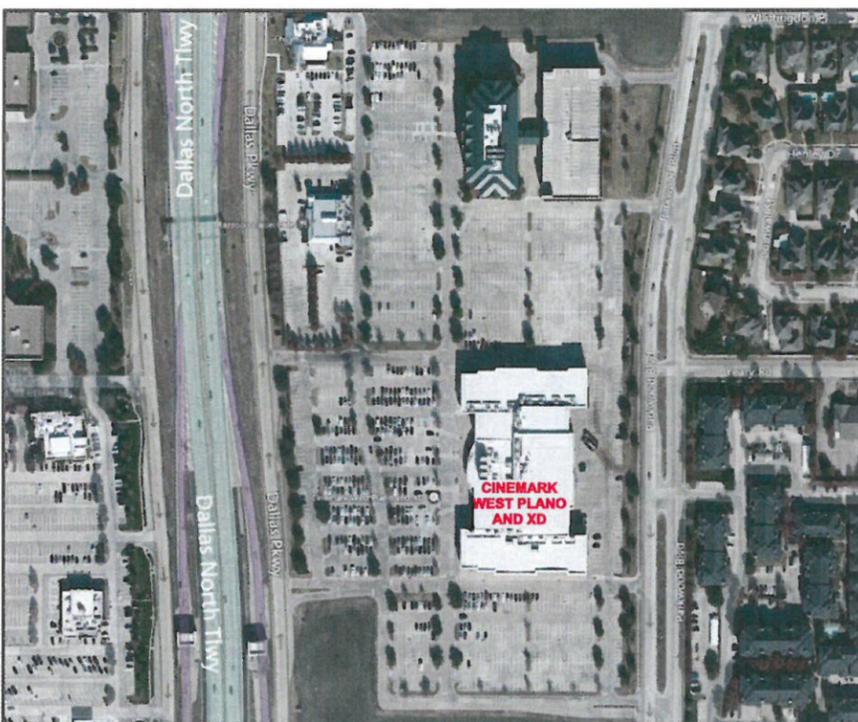
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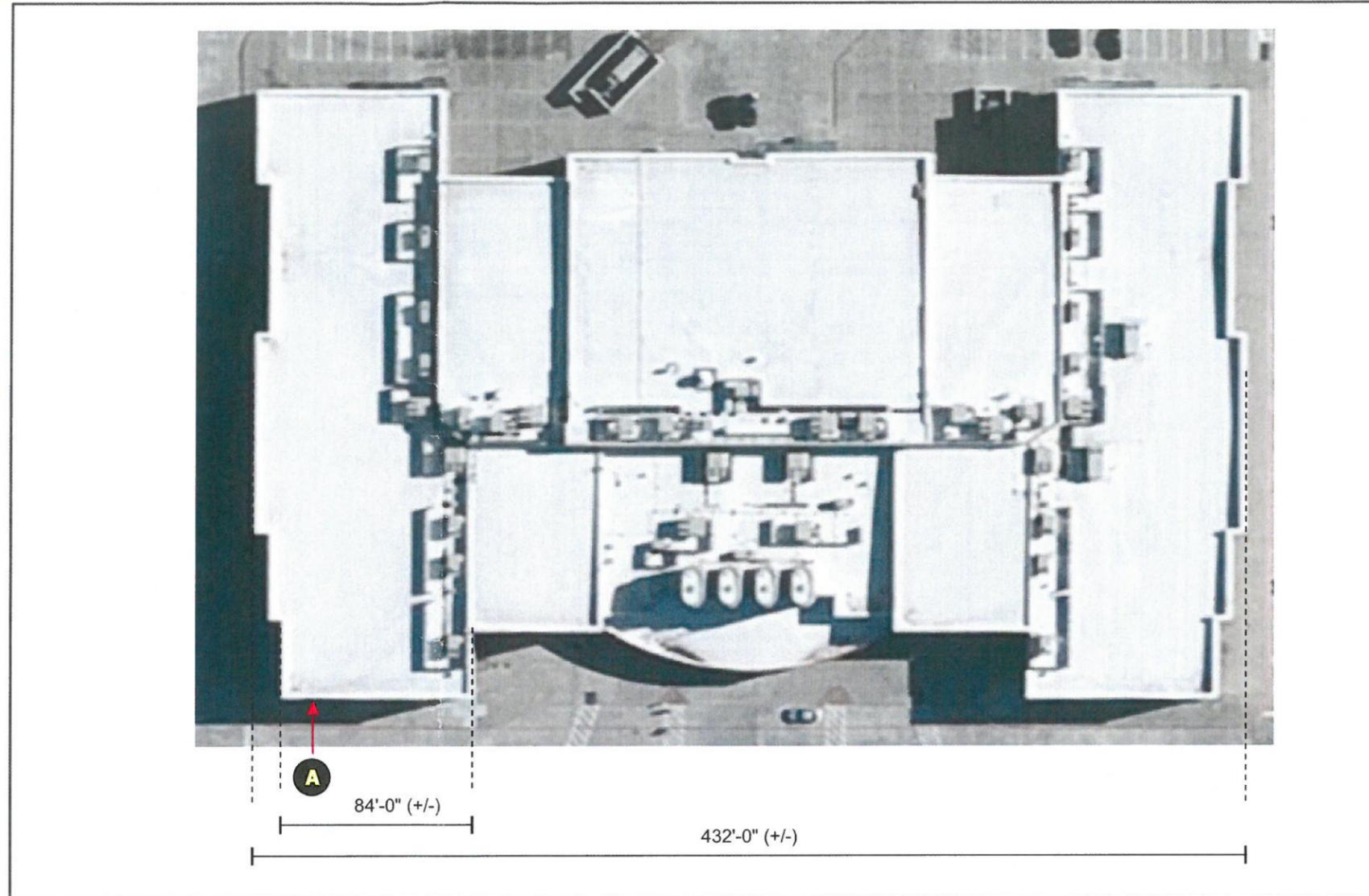
**LOCATOR MAP**

N.T.S.



**AERIAL VIEW**

N.T.S.



**SITE PLAN (PROPOSED)**

N.T.S.



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**FINAL ELECTRICAL CONNECTION BY CUSTOMER**



## **APPEAL SUMMARY #16-06S**

**APPLICANT:** Property owner Don Harton with Cinemark, to be represented by Debbie Moltz with Chandler Signs.

**ADDRESS:** 3800 Dallas Parkway  
Lot 4R, Block A, Tinseltown Addition

**ZONING:** Regional Employment (RE)  
Dallas North Tollway Overlay District

**APPLICANT REQUEST:** The applicant is requesting to vary from Subsection 22.300 (.1) (B) (i)(ii) of Division 4, Article 22, Zoning Ordinance No. 2015-5-2 as amended, to:  
a). allow an additional wall sign to exceed the allowable 908.92 square feet by 164.78 square feet for an overall of 1073.7 square feet and,  
b). allow a wall sign to exceed the height of 6 feet by 1 foot for an overall of 7 feet in height.

### **ORDINANCE REQUIREMENTS:**

**Subsection 22.300 (.1) (B)(i)(ii)** states:

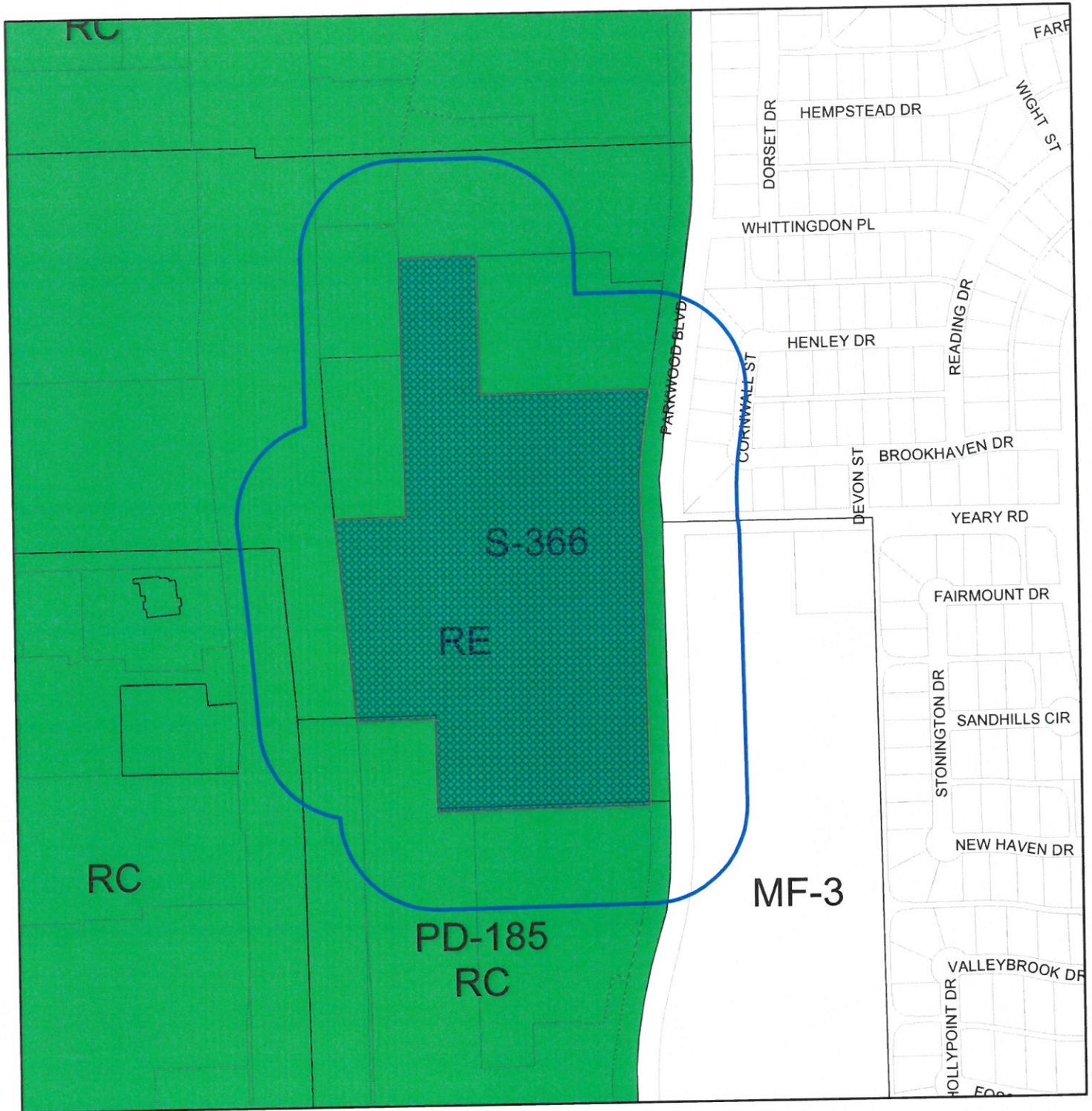
- i. Wall signs shall not exceed 40 square feet or the product of 2 times the lineal footage of the wall area available to such signs or store frontage for which such signs are intended, whichever is greater....
- ii. The height of a horizontal wall sign shall not exceed 6 feet; and that the sizing of wall signs shall be calculated by determining an overall sign allowance for the entire building. The height shall be measured perpendicularly from the horizontal. This section also states that wall signs shall not exceed two times the linear width and 75% coverage area of each elevation.

### **STAFF FINDINGS:**

This property is located east of Dallas Parkway, just north of Parker Road and situated within a Regional Employment (RE) zoning district.

Per the applicant, that this building is set back a good distance from Dallas North Tollway, and located adjacent to their corporate office. The property owner is requesting to allow an additional wall sign to exceed the approved 908.92 square feet by 164.78 square feet for an overall of 1073.7 square feet. Also, to allow the wall sign to exceed the height of 6 feet by 1 foot for an overall of 7 feet in height for this elevation. The wall sign is 7 feet in height by 23.54 feet overall width, for an overall of 164.78 square feet.

On 08-11-09, this property was approved by the Board of Adjustment for an additional wall sign to be over the allowable 832 square feet by 76.92 square feet for an overall of 908.92 square feet for this elevation. Also, the wall sign was approved to be over the allowed height of 6 feet by 9.83 feet for an overall of 15.83 feet in height.

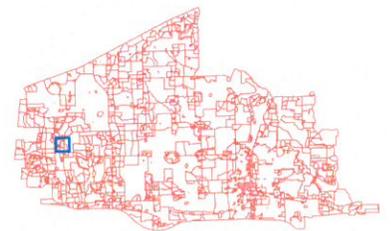


Board of Adjustment

Appeal #: 16-06S

Address: 3800 DALLAS PARKWAY

Zoning: REGIONAL EMPLOYMENT (RE)  
DNT OVERLAY DISTRICT



○ 250' Notification Buffer





#16-005

JOSHI HARSHAD ETUX ACHALA  
3901 CORNWALL ST  
PLANO, TX 75093-7836

KHAN ADIL R ETUX MEHNAZ F  
PMB #179  
5960 W PARKER RD STE 278  
PLANO, TX 75093-7792

PPF AMLI WEST PLANO VILLAGE LP  
5057 KELLER SPRINGS RD STE 250  
ADDISON, TX 75001-6912

ACRES OF SUNSHINE LTD  
C/O RAZZOO'S RESTAURANT  
15660 DALLAS PKWY STE 450  
DALLAS, TX 75248-3356

WEST PLANO VILLAGE LTD  
C/O CENCOR REALTY SERVICES INC  
3102 MAPLE AVE STE 500  
DALLAS, TX 75201-1262

ACRES OF SUNSHINE LTD  
800 CENTRAL PKWY E STE 100  
PLANO, TX 75074-5578

ANDREWS JAMES A &  
SHUE CYNTHIA  
3905 CORNWALL ST  
PLANO, TX 75093-7836

BANERJEE SUBHASIS ETUX HAIMANTI  
3917 CORNWALL ST  
PLANO, TX 75093-7836

CNMK TEXAS PROPERTIES LLC  
3900 DALLAS PKWY STE 500  
PLANO, TX 75093-7865

REHMAN FAISAL AZAM & SABA F  
5940 BROOKHAVEN DR  
PLANO, TX 75093-7862

CHRISTI CAMERON MARIE  
3909 CORNWALL ST  
PLANO, TX 75093-7836

AOS/ WATTSEC BD LLC  
800 CENTRAL PKWY E STE 100  
PLANO, TX 75074-5578

DALLAS BENTLEY I LP &  
DALLAS BENTLEY II LP  
C/O GAINES INVESTMENT TRUST  
LA JOLLA, CA 92037-4874