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PRESS RELEASE

PROXIMITY SLOPE BEING IGNORED BY CITY AND DEVELOPER

Single Family and Historic Homes Left in the Shadows

In the Spring of 2016, Peak's Addition Neighborhood Association met with Encore Enterprises to discuss the development planned for the corner of Peak and Swiss in East Dallas; 4217 Swiss Ave. The developer disclosed the apartment development will be a five-story building. The new apartment complex is planned adjacent to Peak Suburban Addition Historic District. The 253-unit, complex will overshadow one of the most significant historic structures in East Dallas – the last remaining large county estate home, which was built in 1886 and protected under the historic ordinance.

Knowledge of the development prompted the neighborhood association to request a meeting with city building officials via Councilman Medrano's office to review proximity slope requirements. The idea of a five-story structure next to single family homes was overwhelming. The meeting request sent April 27th was addressed to key building officials including the Director of Sustainable Development. The Director was unable to attend the requested meeting on May 3rd, stating he was already committed to a meeting with the developer on the same day to review the building plans and that proximity slope requirements would be reviewed at that meeting.

The two building officials who were present for the meeting on May 3rd with the neighborhood reviewed the zoning language of PD 298 and determined proximity slope does apply per the language of the PD. Councilman Medrano nor the neighbors received feedback from the Director concerning his meeting with the developer. However, two weeks later the neighborhood caught wind the Director instructed the two building officials who meet with Peak's Addition to rescind their original ruling; the Director stated proximity slope does not apply.

The neighborhood immediately requested a meeting with all parties involved once again. This time everyone showed up including the developer and their newly hired zoning consultant. (Note: the first zoning consultant was removed from the project.) While the Director stood his ground, the developer, Encore Enterprises, stated they want to be a good neighbor and work with the neighborhood. However, in the end, Encore Enterprises was unable to find a means to make any compromises on height, landscape, architectural detail or material – what's left? Keep in mind, at this point, the building plans were still in review with the City of Dallas. The neighborhood informed the developer and city officials at the meeting if the permits were issued allowing the five-story building, the neighborhood would file an appeal with the Board of Adjustments. The permit was not issued until late November, around the Thanksgiving holiday. The neighbors were monitoring the release of permits closely and met the 10-day filing deadline despite the holiday.

Proximity Slope has one purpose – to ensure development is respectful of residential areas by ensuring new development, residential or commercial, does not overwhelm existing residential structures. Historic code language also supports this notion of respect between old and new development side by side.

Peak's Addition's original intention was that of a good neighbor – to start the conversation before construction. Unfortunately, what started as neighborly does not get to end that way. Peak's Addition Neighborhood Association has filed "The Appeal of A City Official's Decision" with the Board of Adjustments. The case will be heard in mid-February. Peak's Addition is hopeful the Board of Adjustments will overturn the Director's ruling and require the 63-foot development to be reduced to the required 26-foot height requirement on the side of Peak Street. Meantime, Encore Enterprises is moving dirt and moving forward.

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