

FILE NUMBER: Z190-187(CT)

DATE FILED: January 24, 2020

LOCATION: Northwest corner of West Ledbetter Drive and South Polk Street

COUNCIL DISTRICT: 4

MAPSCO: 64 F

SIZE OF REQUEST: Approx. 13.295 acres

CENSUS TRACT: 61.00

REPRESENTATIVE: Drew Dubolq

OWNER/APPLICANT: Jason Morahan

REQUEST: An application to amend deed restrictions (Z834-109) on property zoned an RR Regional Retail District and an NO(A) Neighborhood Office District.

SUMMARY: The purpose of the request is to remove the deed restriction requiring a City Plan Commission approved landscape plan in Tract 1.

CPC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The 13.295-acre area of request is zoned an RR Regional Retail District and an NO(A) Neighborhood Office District and is currently developed with three commercial structures.
- Deed restrictions were volunteered in conjunction with a landscape plan on April 18, 1984

Zoning History: There have been no zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Polk Street	Community Collector	90 feet	90 feet
Ledbetter Drive	Community Collector	107 feet	107 feet

Traffic.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding system.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	RR Regional Retail District NO(A) Neighborhood Office District Deed Restriction (Z834-109)	Retail/Personal Service
North	NO(A) Neighborhood Office District	Undeveloped
East	R-7.5(A) Single Family District CR Community Retail	Single Family Auto Service Center
South	R-7.5(A) Single Family District	Undeveloped Single Family

West	NO(A) Neighborhood Office District Deed Restriction – Z834-109	Medical Clinic or Ambulatory Surgical Center
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Land Use Compatibility:

The subject site is developed with a shopping center which houses retail and personal service uses. The surrounding area is comprised of single-family neighborhoods to the east and south of the subject site. West of the site is a medical center and north is an undeveloped tract of land.

The proposed addition of a retail structure and medical office would trigger landscaping for the property. The site was permitted for the construction of large retail use, but the plan was not fully developed. The applicant’s request is to remove one deed restriction (Restriction No. 1), from existing deed restriction Z834-109. The current restriction states that the property owners agree not to seek a building permit for any development on the Subject Tract until a landscape plan is submitted to the City of Dallas and is approved by the City Plan Commission. On February 27, 1986, a landscape plan was approved, but the applicant seeks to deviate from the previously approved plan. The applicant seeks to remove the condition and intends to abide by Article X.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers 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 more precisely target intervention strategies 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 in not a part of an MVA cluster, there is a “C” MVA cluster to the east of the site and an “F” MVA Cluster to the south.

Landscaping:

The removal of deed restrictions will and the addition of the two proposed structures on the site will force the site to comply with Article X of the Dallas Development Code, as amended. Article X compliance and the proposed landscape plan will provide more landscaping than depicted on the previously approved landscape plan, adding islands and trees throughout the parking lot on the property.

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**CPC ACTION
JUNE 4, 2020**

Motion: It was moved to recommend **approval** of an amendment to deed restrictions [Z834-109] on property zoned an RR Regional Retail District and an NO(A) Neighborhood Office District, on the northwest corner of West Ledbetter Drive and South Polk Street.

Maker: Hampton
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Stinson, Hampton, Johnson,
Shidid, Carpenter, Jackson, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin
Against: 0
Absent: 1 - Blair
Vacancy: 0

Notices: Area: 400 Mailed: 55
Replies: For: 3 Against: 0

Speakers: None

Existing Deed Restrictions

841374

34K 6037
DEED RESTRICTIONS 8321 0 13.00 DEED 1/24/75/8

THE STATE OF TEXAS |
COUNTY OF DALLAS | KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CLIFF VIEW CROSSING VENTURE, a joint venture, is the owner of the following described property situated in Dallas County, Texas, being in particular a 17.5165 acre tract of land out of the Hamilton McDowell Survey, Abstract No. 873, being that same tract of land conveyed to CLIFF VIEW CROSSING VENTURE, a joint venture, by Vernon S. Smith and James W. Smith, by Cash Deed dated February 15, 1984, being recorded in Vol. 84035, Page 0445, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" (attached hereto and incorporated herein for all purposes) and hereinafter referred to as the "Subject Tract."

That the undersigned does hereby impress the Subject Tract with the following deed restrictions, to-wit:

- 1. The undersigned, their successors and/or assigns, do hereby agree that there shall be no multiple family dwelling units constructed or multiple family uses conducted on the property; and,
- 2. The undersigned, their successors and/or assigns, do hereby agree not to seek a building permit for any development on the Subject Tract until a landscape plan is submitted to the City of Dallas and is approved by its City Plan Commission.

That the undersigned does hereby impress 10.157 acres of the Subject Tract, being more particularly described in Exhibit "B" (attached hereto and incorporated herein for all purposes) with the following deed restrictions, to-wit:

- 1. The undersigned, their successors and/or assigns, do hereby agree to limit development on the property to one story construction with a maximum height of forty (40) feet; and,
- 2. The undersigned, their successors and/or assigns, do hereby agree to limit development on the property to a 0.25:1 Floor Area Ratio (FAR), as defined by the Dallas Development Code, as amended.

DEED RESTRICTIONS - Page 1 of 3

84080 4437 2834-105/4159-3

841374

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon the persons acquiring property within the described tract, and any person by acceptance of title to any of the described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

CLIFF VIEW CROSSING VENTURE

BY: Charles C. Carey
CHARLES C. CAREY, Vice President
of Finance of Great Southwest
Commercial, Inc., Managing Venturer
of Cliff View Crossing Venture

THE STATE OF TEXAS |
 |
COUNTY OF DALLAS |

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared CHARLES C. CAREY, Vice President of

DEED RESTRICTIONS - Page 2 of 3

84080 4438

Proposed Deed Restrictions

SECOND AMENDMENT TO DEED RESTRICTIONS

THE STATE OF TEXAS)
) **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF DALLAS)

I.

The undersigned, Dockside Threading Inc., a Delaware corporation ("**the Owner**"), is the owner of the following described property ("**the Property**"), being in particular a tract of land out of the Hamilton McDowell Survey, Abstract No. 873, part of City Block 6037, City of Dallas ("**City**"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Federal Deposit Insurance Corporation, as Manager of the FSLIC Resolution Fund, as Receiver for Key Savings and Loan Association, Englewood, Colorado, by deed dated February 23, 1993, and recorded in Volume 93038, Page 2586, in the Deed Records of Dallas County, Texas, and being more particularly described in **Exhibit A**, attached hereto and made a part hereof for all purposes.

II.

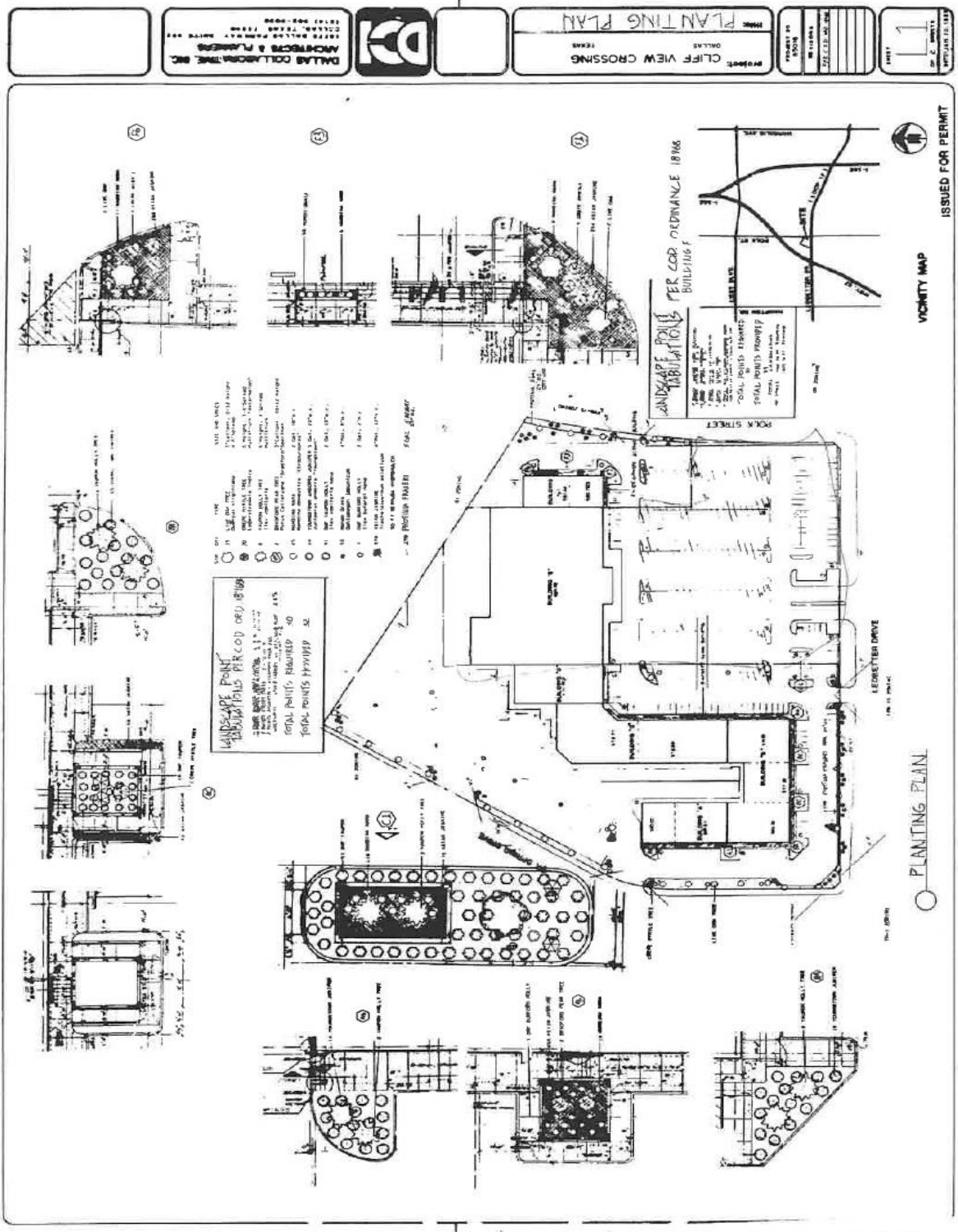
That the Property was impressed with certain deed restrictions ("**Original Restrictions**") as shown in an instrument dated March 29, 1984, signed by Cliff View Crossing Venture, and recorded in Volume 84080, Page 4437, of the Deed Records of Dallas County, Texas, as amended by a certain First Amendment to Deed Restrictions Dated March 29, 1984, executed on November 6, 1996, signed by Dockside Threading Inc., and recorded in Volume 97051, Page 1478 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as **Exhibit B** and made a part of this instrument.

III.

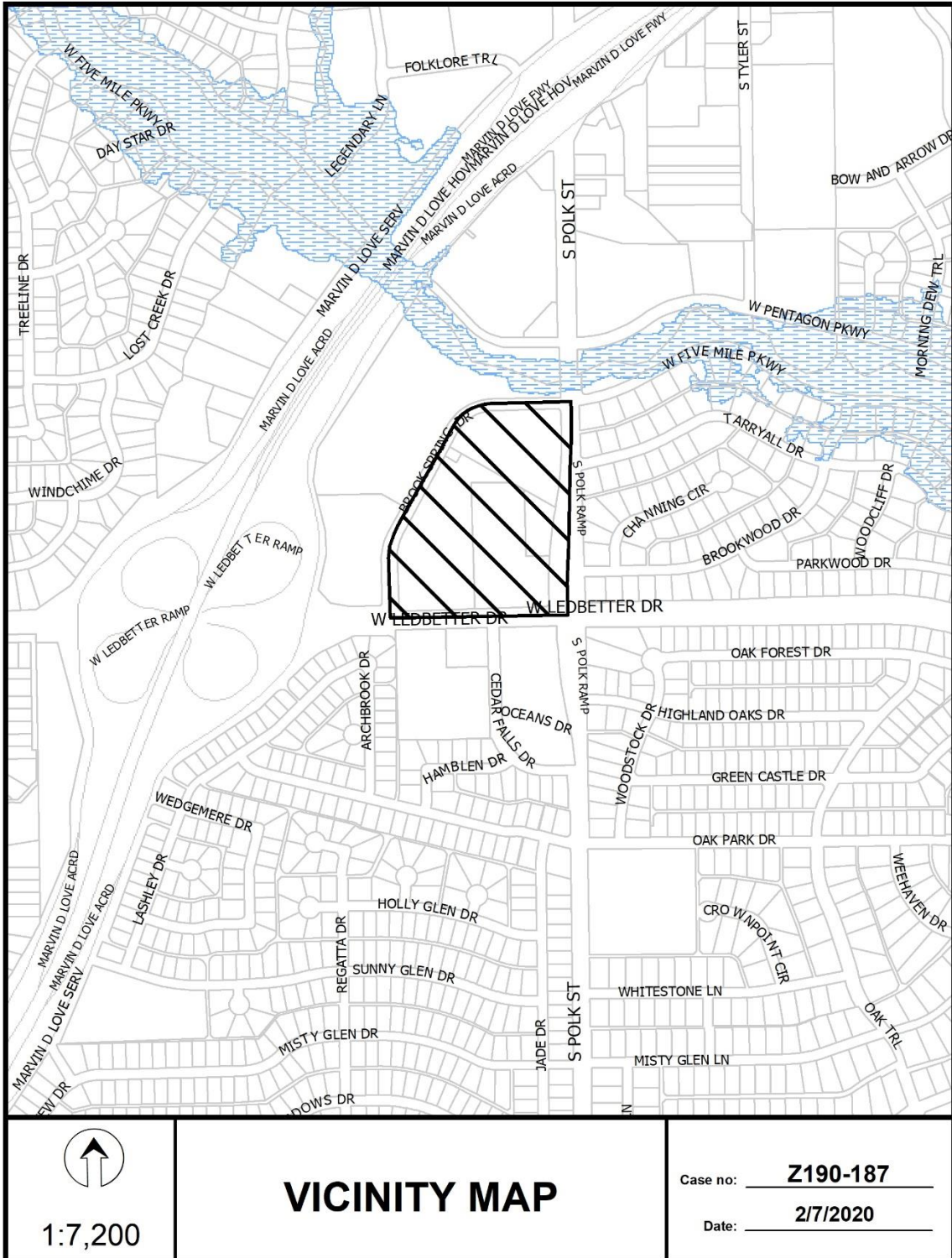
That the Owner does hereby amend the Original Restrictions as follows:

The paragraph 2 in the Original Restrictions that reads, "[t]he undersigned, their successors and/or assigns, do hereby agree not to seek a building permit for any development on the Subject Tract until a landscape plan is submitted to the City of Dallas and is approved by its City Plan Commission" is *hereby deleted in its entirety*.

EXISTING LANDSCAPING PLAN



Revised plan based on CPC action 02-27-86.
CPC APPROVED 02-27-86



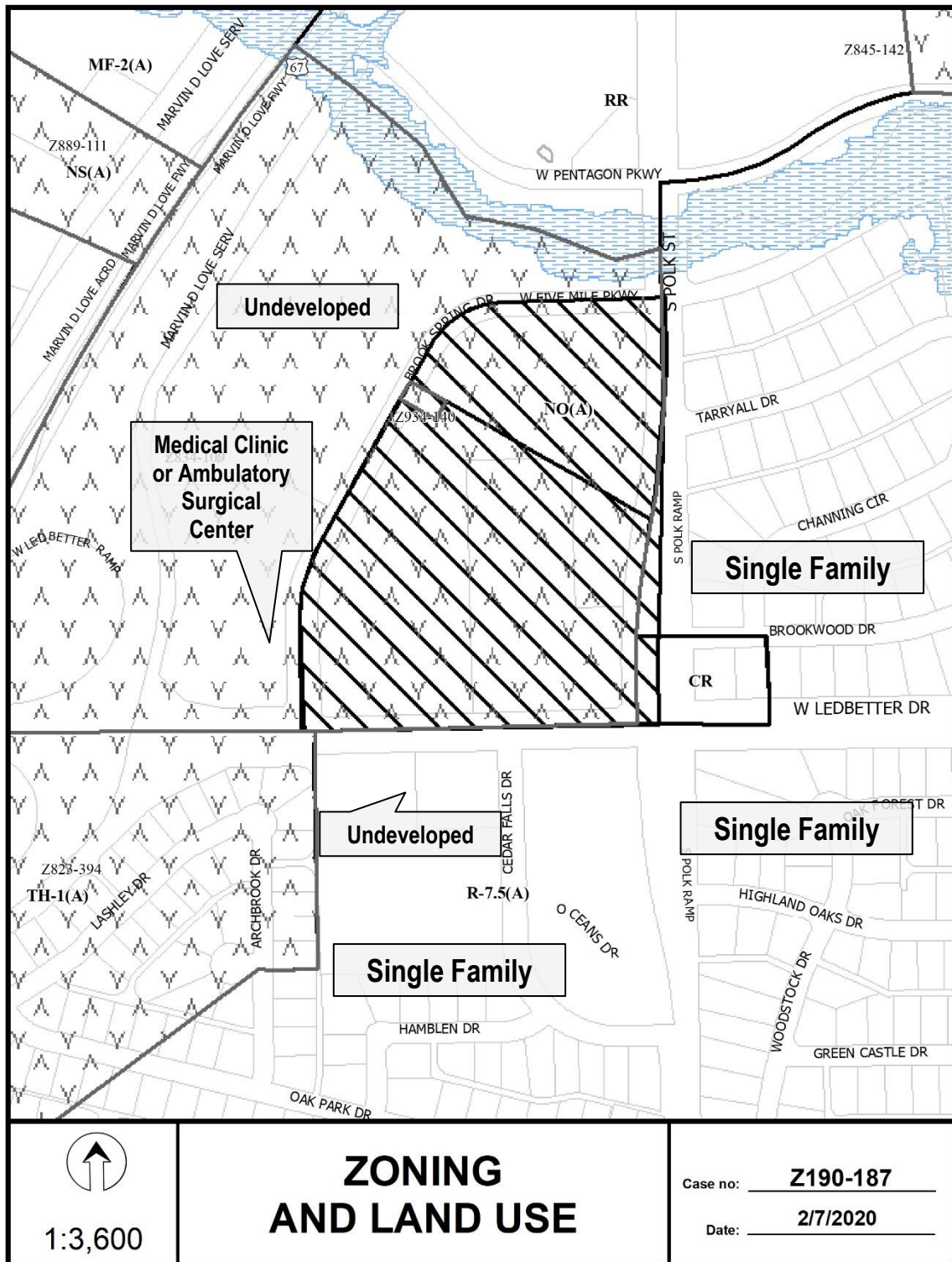
1:7,200

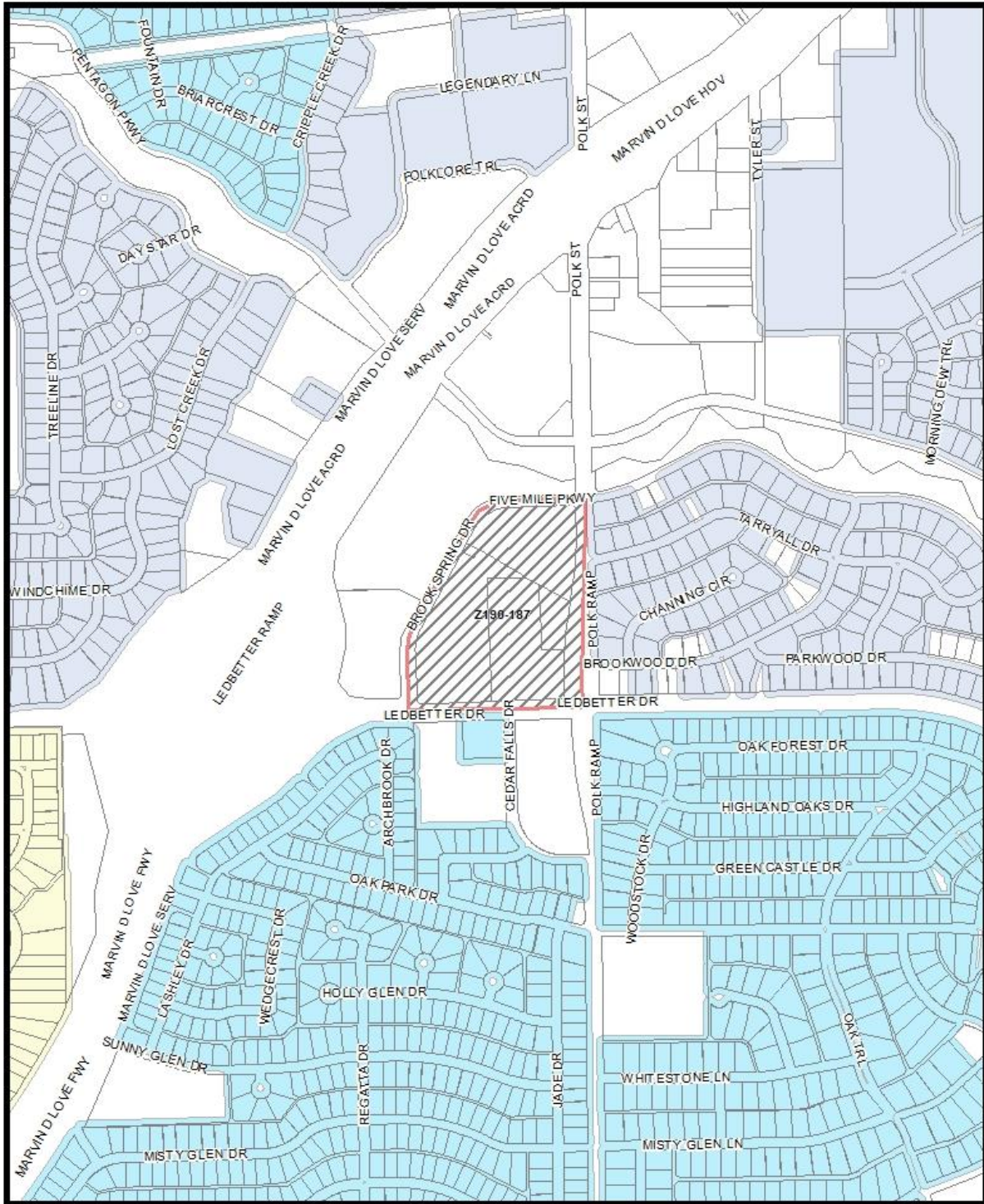
VICINITY MAP

Case no: **Z190-187**

Date: **2/7/2020**







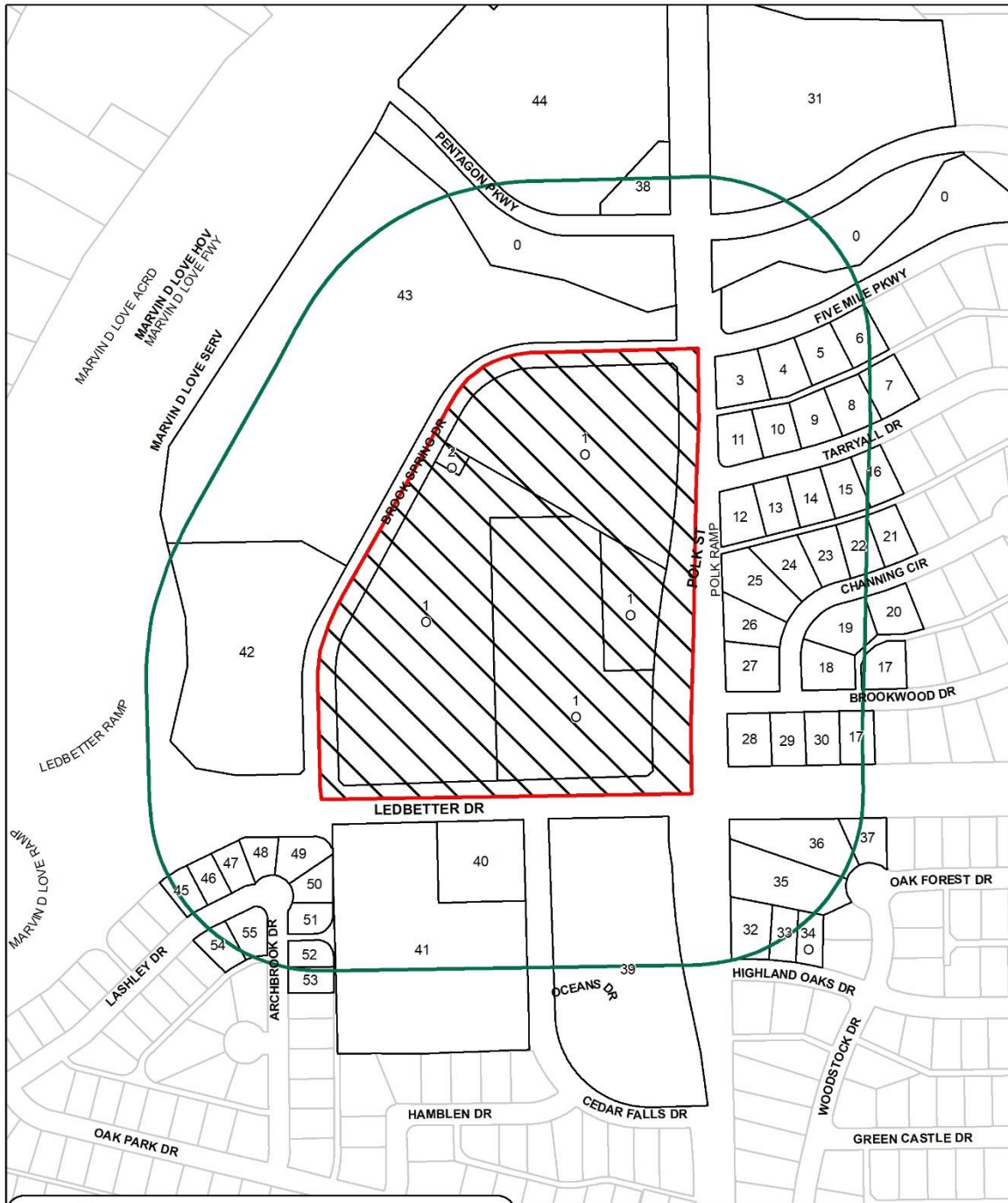
Market Value Analysis A B C D E F G H I NA

1:7,200

Market Value Analysis

Printed Date: 2/7/2020

CPC RESPONSES



55	Property Owners Notified (62 parcels)
3	Replies in Favor (6 parcels)
0	Replies in Opposition (0 parcels)
400'	Area of Notification
6/4/2020	Date

Z190-187
CPC



1:3,600

06/03/2020

Reply List of Property Owners***Z190-187******55 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4243 S POLK ST	DOCKSIDE THREADING INC
O	2	4100 BROOK SPRING DR	DOCKSIDE THREADING INC
	3	1038 W FIVE MILE PKWY	HURST NISSA L & MICHAEL SHANE
	4	1030 W FIVE MILE PKWY	WATSON LONZIE L &
	5	1022 W FIVE MILE PKWY	MARROQUIN JORGE L
	6	1014 W FIVE MILE PKWY	BEHARRY HOMES
	7	931 TARRYALL DR	CARRINGTON VICKIE
	8	1005 TARRYALL DR	GARNER WILLIE A &
	9	1011 TARRYALL DR	POWELL LARRY RANDALL
	10	1019 TARRYALL DR	ANDRADE MARIO &
	11	1027 TARRYALL DR	HOLDINGS CHAMPION INC
	12	1028 TARRYALL DR	BOGLE JAMES MICHAEL
	13	1022 TARRYALL DR	A & R TEXAS PROPERTIES LLC
	14	1016 TARRYALL DR	BROWN MERVIN S
	15	1010 TARRYALL DR	WINSOR JAMES L III
	16	1004 TARRYALL DR	COLEMAN REGINALD
	17	929 BROOKWOOD DR	ADIA PARTNERSHIP LLC
	18	952 CHANNING CIR	MADELEINE RESIDENTIAL LLC
	19	942 CHANNING CIR	PARSONS ALICE ANN
	20	932 CHANNING CIR	WILLIAMS CLARENCE M
	21	927 CHANNING CIR	RANGEL MARIA &
	22	933 CHANNING CIR	GOMEZ JOSE E &
	23	939 CHANNING CIR	CURRY WILLIE
	24	943 CHANNING CIR	GREER DIANA
	25	947 CHANNING CIR	ESQUIVEL JOSE H
	26	951 CHANNING CIR	HARRIS ROBBYE ANN

06/03/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	957 CHANNING CIR	VILLANUEVA IRENE O
	28	1015 W LEDBETTER DR	DALLAS TEN PEAKS LLC
	29	1006 BROOKWOOD DR	JEZARI ARMIN J
	30	942 BROOKWOOD DR	ROLLING LINCOLN C JR
	31	4008 S POLK ST	OAK GARDENS CHURCH OF CHRIST
	32	1023 HIGHLAND OAKS DR	TATE LINDA MARIE
	33	1017 HIGHLAND OAKS DR	PEREZ EVANGELINA &
O	34	1011 HIGHLAND OAKS DR	KENNEDY JOANNE E
	35	973 OAK FOREST DR	SUTTON JAMES E
	36	969 OAK FOREST DR	METROCARE SERVICES
	37	965 OAK FOREST DR	YOVONIE JEREMIAH &
	38	4101 S POLK ST	SERVIN JOSE CARMEN
	39	4483 N POLK ST	QUIRINOCONTRERAS OSCAR OMAR
	40	1140 W LEDBETTER DR	PHILLIPS C A & ARNELL
	41	1150 W LEDBETTER DR	TRINIDAD PETE M
	42	4201 BROOK SPRING DR	DALLAS COUNTY HOSPITAL DISTRICT
	43	4201 BROOK SPRING DR	TRIMURTHY HOLDINGS LLC
	44	3939 S POLK ST	DILBECK COURT LTD
	45	4319 LASHLEY DR	SIMPSON BOBBY & JOYCE E
	46	4315 LASHLEY DR	MOORE CRESHUNDA RENA
	47	4311 LASHLEY DR	THOMAS CHARLOTTE A
	48	4307 LASHLEY DR	NORMAN BRENDETTA
	49	4303 LASHLEY DR	MARSHALL ARCHIE
	50	4304 ARCHBROOK DR	MCCALLISTER PATRICIA A
	51	4308 ARCHBROOK DR	BROADWAY JEANETTE
	52	4312 ARCHBROOK DR	POLK JAMES JR & JOAINER
	53	4316 ARCHBROOK DR	MARCH ROY E & LATONYA L
	54	4318 LASHLEY DR	RICHARDSON ELIZA ANN EST OF
	55	4314 LASHLEY DR	ROJAS ALVARO ROCHA &