

**FILE NUMBER:** Z212-207(JA)                      **DATE FILED:** March 4, 2022

**LOCATION:** Northwest line of Telephone Road, between Bonnie View Road  
and Van Horn Drive

**COUNCIL DISTRICT:** 8

**SIZE OF REQUEST:** Approx. 13.493 acres                      **CENSUS TRACT:** 0167.03

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT:** Jackson Shaw

**OWNER:** Santiago Rivera  
Santiago Rivera / Sapo Real Estate, LLC

**REQUEST:** An application for an LI Light Industrial District with deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District.

**SUMMARY:** The applicant proposes to develop a warehouse on the property.

**CPC RECOMMENDATION:**     **Approval**, subject to revised deed restrictions.

**STAFF RECOMMENDATION:**   **Denial**.

**A(A) Agricultural District [Ref. Sec. 51A-4.111]:**  
[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-28144](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-28144)

**LI Light Industrial District [Ref. Sec. 51A-4.123(b)]:**  
[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-30391](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-30391)

**BACKGROUND INFORMATION:**

- The request is for an LI Light Industrial District on property zoned an A(A) Agricultural District. The purpose of the request is to allow a warehouse development on the property.
- The request site is currently undeveloped, and platting will be required for any future development of the property.
- Newton Creek runs southwest/northeast along the rear of the property, and a narrow portion of the request site is located within the associated flood zone.
- There is a large conservation easement (surrounding a warehouse use and portion of the creek) to the west of the single-family use immediately adjacent to the west of the request site.
- Deed restrictions [providing a 20 to 30-foot buffer along the west boundary line of the request site *and restricting vehicular traffic and overhead doors for loading/unloading to the east side of new buildings*] were verbally offered by the applicant's representative prior to the July 21, 2022, CPC hearing. However, staff had not received these verbally offered deed restrictions at the time case reports were submitted for the July 21, 2022, public hearing.
- Staff recommendation in the case report prepared for the July 21, 2022, City Plan Commission hearing was denial. However, staff received revised deed restrictions volunteered by the applicant on the morning of the public hearing and requested that the case be held under advisement to August 4, 2022, to allow review of the volunteered deed restrictions.
- On the morning of July 22, 2022, the applicant informed staff of the impending purchase of the property immediately adjacent to the west of the current area of request site. The applicant's stated intent was to expand the area of request to include the additional property, currently developed with a single-family use, and withdraw the previously volunteered deed restrictions. Therefore, staff's recommendation in the August 4, 2022, docket requested that the case be held under advisement until August 18, 2022, to allow readvertisement of the zoning request for the expanded area of request.
- However, the applicant offered new deed restrictions to the CPC Secretary on August 3, 2022, which were then circulated to commissioners the evening prior to the August 4, 2022, public hearing. While the concerns leading to staff's initial recommendation of denial were allayed by applicant's *verbally* offered deed restrictions, the written deed restrictions submitted by the applicant did not, in staff's assessment, sufficiently mitigate the potential impact future LI Light Industrial District uses developed at the request site would have on adjacent single-family uses. Therefore, staff recommended denial of the zoning request during the briefing on August 4, 2022.

- Applicant submitted revised deed restrictions to staff on August 5, 2022, increasing the landscape buffer from the initial 10 feet to 20 feet and including language for an eight-foot-tall masonry fence along a portion of the west property line. Nothing in these revised deed restrictions would prevent commercial truck traffic, parking, idling, etc. between any new buildings and the adjacent single-family use. Therefore, staff's recommendation remained as denial at the August 18, 2022, CPC hearing.
- On August 18, 2022, the City Plan Commission recommended approval of the request, subject to deed restrictions volunteered by the applicant but revised to clarify the length and type of wall/fence that must be provided along the western property line and to include non-substantive edits made to the document by the City Attorney's Office. The CPC-Recommended Deed Restrictions are shown on pages 17-23 of the current case report.

**Zoning History:** There have been six zoning change requests in the area in the last five years.

1. **Z167-243:** On August 23, 2017, the City Council approved a request for a CS Commercial Services District with deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District on the south line of Telephone Road, east of Travis Trail. The volunteered deed restrictions prohibit commercial truck ingress and egress via Travis Trail.
2. **Z178-288:** On January 3, 2019, the City Plan Commission recommended denial without prejudice of an application for an LI Light Industrial District on property zoned an A(A) Agricultural District at the northwest corner of Telephone Road and Bonnie View Road.

**Note:** The area of request for this application includes the combined areas associated with subsequent zoning requests Z201-107 and Z189-252.

3. **Z189-252:** On October 23, 2019, the City Council approved a request for an LI Light Industrial District on property zoned an A(A) Agricultural District with deed restrictions volunteered by the applicant on the northwest corner of Telephone Road and Bonnie View Road. The volunteered deed restrictions prohibit specified uses on the property.
4. **Z201-344:** On November 18, 2021, the City Plan Commission recommended denial of an application for (1) a CS Commercial Service District with deed restrictions volunteered by the applicant, and (2) a Specific Use Permit for a commercial motor vehicle parking use on property zoned an A(A) Agricultural District south of Telephone Road and west of Travis Trail.
5. **Z201-107:** On April 14, 2021, the City Council approved a request for an LI Light Industrial District on property zoned an A(A) Agricultural District on the north line of Telephone Road west of Bonnie View Road.

6. **Z201-345:** On January 12, 2022, City Council approved a request for (1) a CS Commercial Services District with deed restrictions volunteered by the applicant, and (2) a Specific Use Permit [SUP No. 2439] for commercial motor vehicle parking on property zoned an A(A) Agricultural District on the south line of Telephone Road west of Bonnie View Road.

**Note:** The initial request was for an LI Light Industrial District on property zoned an A(A) Agricultural District. However, due to the proximity of residential uses, the applicant amended the request as reflected in the City Council approval referenced above.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Proposed ROW</b>
Cleveland/Telephone Road	Principal Arterial	Standard-4 lanes-Divided 80-foot ROW; bike plan

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request. While it will not significantly impact the surrounding roadway system, additional data, including a traffic signal warrant analysis of Bonnie View Road at Telephone Road, will be requested at permitting. Transportation Development Services staff discussed the scope of the analysis with the applicant’s consultant, and any further review of traffic impact will be addressed as needed at permitting.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan*, adopted by City Council in June 2006, outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request is *not* consistent with the following goals and policies of the comprehensive plan:

**LAND USE ELEMENT**

**GOAL 1.4** COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT  
**Policy 1.4.3** Embrace environmental sustainability.

**URBAN DESIGN ELEMENT**

**GOAL 5.1** PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

**Policy 5.1.3** Encourage complementary building height, scale, design, and character.

- New development should be appropriate to the context of its location in density, intensity, and size, particularly when adjacent to existing residential areas, historic or conservation districts.
- The impact of parking lots and structures on adjacent areas should be given careful consideration. Location, configuration, access points, and screening should be designed to minimize spillover and mitigate any negative effects.
- All parking lots and structures must be designed and screened to eliminate the visual intrusion or incompatibility with the adjacent residential neighborhoods, historic, or conservation districts.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	A(A) Agricultural District	Undeveloped
<b>West</b>	A(A) Agricultural District	Single Family
<b>North Northwest</b>	PD No. 980	Undeveloped, Warehouse
<b>Northeast</b>	LI Light Industrial District LI Light Industrial District w/Deed Restrictions	Outside Storage, Warehouse
<b>East</b>	PD No. 761, the Dallas Logistics Port SPD	Warehouse
<b>South Southeast</b>	CS Commercial Service District with DR	Contractor's Maintenance Yard, Commercial Motor Vehicle Parking
<b>Southwest</b>	A(A) Agricultural District	Single Family

**Land Use Compatibility:**

The request site is situated at the western edge of an area that has generally been transitioning from agricultural (residential) land to warehouse and related non-residential uses, including outside storage and commercial motor vehicle-related uses. However, adjacent properties to the west and in the vicinity to the southwest of the request site are still developed with single family residential uses.

Newton Creek runs southwest/northeast along the rear (north boundary) of the request property, and a portion of the site is located within the associated flood zone.

Property to the north/northwest of the request site beyond Newton Creek is zoned PD No. 980 and is partially undeveloped and partially developed with warehouse uses.

Property immediately adjacent to the northeast of the request site is zoned an LI Light Industrial District and is developed with an outside storage use. A food distribution warehouse is further to the northeast, at the northwest corner of Telephone Road and

Bonnie View Road, on property zoned an LI Light Industrial District with deed restrictions in place.

Although Planned Development District (PD) No. 761, the Dallas Logistics Port Special Purpose District, is roughly in the vicinity (east of the request site across Bonnie View Road), staff notes that neither the area of request nor the surrounding properties are part of the special purpose district.

Properties to the south/southeast across Telephone Road from the request site are zoned a CS Commercial Service District with deed restrictions and are developed with commercial motor vehicle parking and contractor's maintenance yard. To the south/southwest across Telephone Road, there are additional properties zoned an A(A) Agricultural District that are developed with existing single-family uses. These two zoning districts are on opposite sides of a small local street (Travis Trail). Due to the adjacent single-family residential uses, commercial trucks are prohibited by deed restriction from entering or exiting the commercial properties via Travis Trail.

The platted lot immediately to the west of the request site is zoned an A(A) Agricultural District and is developed with a single-family use. The main structure for this single-family use is located several hundred feet back from Telephone Road in the rear portion of the lot and near the side property boundary shared with the request site. The accessory building is situated towards the front of the lot, set back 50 feet behind the front property line. Due to this arrangement of structures, the residence is substantially buffered – by both distance and by an accessory building – from the commercial activity along Telephone Road. (Note: Staff observed at site visit what appears to be a small equipment or tool rental business operating out of the accessory building; however, no certificate of occupancy exists for a non-residential use at this location. The permit authorizing construction of this building classified it as an accessory garage building for the single-family use.)

Although the property to the west of the above-described single-family use is developed with a warehouse use, Newton Creek and a large conservation easement surrounding the warehouse use on three sides separates these two properties. These significant and purposefully preserved natural features serve as a substantial and sufficient buffer mitigating the potentially negative impact the warehouse development might otherwise have on the adjacent single-family use.

These same natural buffers do not exist between the area of request site and the adjacent single-family use. Nor is there a combination of distance and buildings, even with deed restrictions volunteered by the applicant, to buffer the single-family use against the commercial activity proposed for the request site.

An unmitigated general zoning change would allow LI Light Industrial District uses to be located with no required side yard setback against the existing single-family residential use located on the adjacent property immediately to the west of the area of request. Additionally, although an A(A) Agricultural District is considered to be a residential zoning district, even when a lot in an A(A) Agricultural District is developed with a single-family

use, it is not a site of origination for Residential Proximity Slope (RPS). Under the current zoning classification of the request site, structures may be built to a maximum height of 24 feet; however, a general zoning change to an LI Light Industrial District would allow a structure up to a height of 70 feet to be constructed within a few feet of the existing single-story, single-family residence.

In an effort to lessen the impact future warehouse uses developed at the request site would have on adjacent and nearby single family uses, the applicant has volunteered deed restrictions requiring the following for “as long as the property along the western property line is zoned as a Residential District”:

- Establishes a maximum building height of 50 feet (LI would otherwise allow up to 70 feet in height)
- Prohibits buildings within 60 feet of the western property line (LI would otherwise require no minimum building setback)
- Prohibits overhead doors for truck loading and unloading from facing the western property line
- Requires a minimum 20-foot wide landscape buffer along the western property line
- Promises the construction of an eight-foot tall masonry wall along the western property line for approximately 520 feet to the tree line where it will be transitioned to a chain link fence with slats, through the tree line to the creek, to provide opacity
- Specifically prohibits certain uses (see use comparison table on pages 9-11 of this report)

Given the adjacency of existing single family uses and with the applicant’s stated intent of developing the site with a warehouse use, there are remaining concerns regarding commercial truck traffic internal to the site on the west side of any new buildings and commercial truck loading/unloading or stopping/standing without sufficient buffering. Even with the volunteered deed restrictions, commercial trucks may still travel, stop, idle, and park without limitation between the 20-foot landscape buffer (of unspecified content) and any new buildings at all hours of the day or night. While doors for loading/unloading would be prohibited facing the western property line, they are not specifically restricted to the east side of new buildings where the building, itself, could serve as an additional buffer against the single-family uses.

Although the applicant states the intent to develop the site with a warehouse use, which would require a Residential Adjacency Review (RAR) that might further mitigate the impact of the development on the adjacent and surrounding single-family uses, there are a variety of uses allowed under the requested zoning classification, even with the deed restrictions volunteered by the applicant, that do not require this additional layer of review. Staff also took in consideration that a general zoning change does not guarantee a particular future use or type of development on a property.

Staff finds that the current request for an LI Light Industrial District with deed restrictions volunteered by the applicant will be detrimental to the surrounding residential properties to the west and southwest and does not support the request.

**Development Standards:**

District	Setbacks		Height	Lot Coverage <sup>1</sup>	Density/FAR	Special Standards
	Front	Side/Rear				
<b>Existing A(A)</b>	50' min	20' min side 50' min rear for single family structures 10' min rear for other permitted structures	24' max  No max stories	10% max for residential structures  25% max for nonresidential structures	No max dwelling unit density  No max FAR  Minimum lot size for residential use is three acres	FYSB Continuity
<b>Proposed LI</b>	15' min typically  50' min is required for the request site due to required continuity with the A(A) district on the same blockface	no min side or rear yard setback is required for the request site	70' max  Max 5 stories	80% max	Residential uses not permitted.  FAR: 0.5 max for retail/personal service uses, 0.75 max for lodging, office, and retail/personal service uses combined, 1.0 max for all uses combined  No min lot size	DIR for trip gen > 6000 per day and 500 trips per acre per day  FYSB Continuity
<b>Proposed LI w DR</b>	15' min typically  50' min is required for the request site due to required continuity with the A(A) district on the same blockface	<b>min 60' west side yard w/ a 20' landscape buffer</b>  <b>otherwise</b> no min side or rear yard setback is required for the request site	<b>50' max</b>  Max 5 stories	80% max	Residential uses not permitted.  FAR: 0.5 max for retail/personal service uses, 0.75 max for lodging, office, and retail/personal service uses combined, 1.0 max for all uses combined  No min lot size	DIR for trip gen > 6000 per day and 500 trips per acre per day  FYSB Continuity

<sup>1</sup>Lot coverage includes above-ground parking structures but does not include surface parking lots or other paving.



**Land Use Comparison:**

Following is a comparison table showing differences in the permitted uses between the existing and proposed zoning districts. Light orange highlights indicate uses to be prohibited, per deed restrictions volunteered by the applicant, that would otherwise be permitted in the proposed LI Light Industrial District.

KEY: • use allowed by right    ★ consult use regs RAR – Residential Adjacency Review SUP – Specific User Permit; DIR – Development Impact Review			
	Existing A(A)	Proposed LI	Proposed LI w DR
<b>AGRICULTURAL USES</b>			
Animal production	•		
Commercial stable	•		
Crop production	•	•	DRs prohibit
Private stable			
<b>COMMERCIAL AND BUSINESS SERVICE USES</b>			
Building repair and maintenance shop		RAR	DRs prohibit
Bus or rail transit vehicle maintenance or storage facility		RAR	DRs prohibit
Catering service		•	DRs prohibit
Commercial cleaning or laundry plant		RAR	DRs prohibit
Custom business services		•	•
Custom woodworking, furniture construction, or repair		•	DRs prohibit
Electronics service center		•	DRs prohibit
Job or lithographic printing		RAR	RAR
Labor hall		SUP	DRs prohibit
Machine or welding shop		RAR	DRs prohibit
Machinery, heavy equipment, or truck sales and services		RAR	RAR
Medical or scientific laboratory		•	•
Technical school		•	•
Tool or equipment rental		•	DRs prohibit
Vehicle or engine repair or maintenance		•	DRs prohibit
<b>INDUSTRIAL USES</b>			
Alcoholic beverage manufacturing		RAR	RAR
Industrial (inside) not potentially incompatible		RAR	RAR
Industrial (inside) potentially incompatible		RAR	RAR
Industrial (inside) light manufacturing		•	•
Industrial (outside) not potentially incompatible			
Industrial (outside) potentially incompatible			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Gas drilling and production	SUP	SUP	SUP
Gas pipeline compressor station			
Municipal waste incinerator			
Organic compost recycling facility	SUP		
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	•	SUP	DRs prohibit
<b>INSTITUTIONAL AND COMMUNITY SERVICE USES</b>			
Adult day care facility	SUP	•	DRs prohibit
Cemetery or mausoleum	SUP	SUP	DRs prohibit
Child-care facility	SUP	•	DRs prohibit
Church	•	•	•
College, university, or seminary	•	•	DRs prohibit
Community service center	SUP	SUP	DRs prohibit
Convalescent and nursing homes, hospice care, and related institutions	SUP		
Convent or monastery	•		
Foster home	SUP		
Halfway house		SUP	SUP

Land use comparison table cont'd on next page

**KEY:** • use allowed by right    ★ consult use regs  
 RAR – Residential Adjacency Review  
 SUP – Specific User Permit; DIR – Development Impact Review

	Existing A(A)	Proposed LI	Proposed LI w DR
<b>INSTITUTIONAL AND COMMUNITY SERVICE USES, cont'd</b>			
Hospital	SUP	SUP	DRs prohibit
Library, art gallery, or museum	SUP		
Public school other than open enrollment charter school	RAR	RAR	DRs prohibit
Private school or Open enrollment charter school	SUP	SUP	DRs prohibit
<b>LODGING USES</b>			
Hotel or motel		★ [SUP, RAR]	DRs prohibit
Extended stay hotel or motel		SUP	DRs prohibit
Lodging or boarding house		•	DRs prohibit
Overnight general-purpose shelter		★	DRs prohibit
<b>MISCELLANEOUS USES</b>			
Attached non-premise sign		SUP	DRs prohibit
Carnival or circus (temporary)	BO auth	BO auth	DRs prohibit
Detached non-premise sign			
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	DRs prohibit
<b>OFFICE USES</b>			
Alternative financial establishment		SUP	SUP
Financial institution without drive-in window		•	•
Financial institution with drive-in window		RAR	RAR
Medical clinic or ambulatory surgical center		•	•
Office		•	•
<b>RECREATION USES</b>			
Country club with private membership	SUP	•	DRs prohibit
Private recreation center, club, or area	SUP	•	DRs prohibit
Public park, playground, or golf course	•	•	DRs prohibit
<b>RESIDENTIAL USES</b>			
College dormitory, fraternity, or sorority house	•		
Duplex			
Group residential facility			
Handicapped group dwelling unit	★		
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			
Residential hotel			
Retirement housing			
Single family	•		
<b>RETAIL AND PERSONAL SERVICE USES</b>			
Ambulance service			
Animal shelter or clinic without outside run	•	•	DRs prohibit
Animal shelter or clinic with outside run	SUP	★ [SUP]	DRs prohibit
Auto service center		RAR	DRs prohibit
Alcoholic beverage establishments		★	DRs prohibit
Business school		•	•
Car wash		RAR	DRs prohibit
Commercial amusement (inside)		★ [SUP]	DRs prohibit
Commercial amusement (outside)	SUP		
Commercial motor vehicle parking		★ [SUP]	★ [SUP]
Commercial parking lot or garage		RAR	DRs prohibit
Convenience store with drive-through			
Drive-in theater	SUP		
Dry cleaning or laundry store		•	DRs prohibit
Furniture store		•	DRs prohibit
General merchandise or food store 3,500 square feet or less		•	DRs prohibit
General merchandise or food store greater than 3,500 square feet			
General merchandise or food store 100,000 square feet or more		SUP	SUP
Home improvement center, lumber, brick or building materials sales yard		RAR	DRs prohibit
Household equipment and appliance repair		•	DRs prohibit
Liquefied natural gas fueling station		★ [SUP]	★ [SUP]

Land use comparison table cont'd on next page

**KEY:** • use allowed by right    ★ consult use regs  
 RAR – Residential Adjacency Review  
 SUP – Specific User Permit; DIR – Development Impact Review

	Existing A(A)	Proposed LI	Proposed LI w DR
<b>RETAIL AND PERSONAL SERVICE USES, cont'd</b>			
Mortuary, funeral home, or commercial wedding chapel			
Motor vehicle fueling station		•	DRs prohibit
Nursery, garden shop, or plant sales			
Outside sales			
Paraphernalia shop		SUP	SUP
Pawn shop			
Personal service uses		•	DRs prohibit
Restaurant without drive-in or drive-through service		RAR	DRs prohibit
Restaurant with drive-in or drive-through service		DIR	DRs prohibit
Surface parking			
Swap or buy shop			
Taxidermist		•	•
Temporary retail use		•	DRs prohibit
Theater		•	DRs prohibit
Truck stop		SUP	DRs prohibit
Vehicle display, sales, and service		RAR	RAR
<b>TRANSPORTATION USES</b>			
Airport or landing field			
Commercial bus station and terminal		RAR	DRs prohibit
Heliport		SUP	DRs prohibit
Helistop	SUP	SUP	DRs prohibit
Private street or alley			
Railroad passenger station		SUP	DRs prohibit
Railroad yard, roundhouse, or shops			
STOL (short takeoff or landing port)			
Transit passenger shelter	•	•	DRs prohibit
Transit passenger station or transfer center	SUP	★ [SUP]	DRs prohibit
<b>UTILITY AND PUBLIC SERVICE USES</b>			
Commercial radio or television transmitting station	SUP	SUP	DRs prohibit
Electrical generating plant			
Electrical substation	SUP	•	DRs prohibit
Local utilities	★ [SUP, RAR]	★ [SUP, RAR]	DRs prohibit
Police or fire station	SUP	•	DRs prohibit
Post office		•	DRs prohibit
Radio, television, or microwave tower	SUP	RAR	DRs prohibit
Refuse transfer station	SUP		
Sanitary landfill	SUP		
Sewage treatment plant	SUP		
Tower/antenna for cellular communication	★	★	DRs prohibit
Utility or government installation other than listed	SUP	SUP	DRs prohibit
Water treatment plant	SUP		
<b>WHOLESALE, DISTRIBUTION, AND STORAGE USES</b>			
Auto auction		RAR	RAR
Building mover's temporary storage yard			
Contractor's maintenance yard			
Freight terminal			
Livestock auction pens or sheds	SUP		
Manufactured building sales lot		RAR	RAR
Mini warehouse		•	•
Office showroom/warehouse		•	•
Outside storage		RAR	RAR
Petroleum product storage and wholesale			
Recycling buy-back center		★	DRs prohibit
Recycling collection center		★	DRs prohibit
Recycling drop-off container	★	★	DRs prohibit
Recycling drop-off for special occasion collection	★	★	DRs prohibit
Sand and gravel or earth sales and storage	SUP		
Trade center		•	•
Vehicle storage lot			
Warehouse		RAR	RAR

End of land use comparison table

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X of the Dallas Development Code, as amended. Deed restrictions volunteered by the applicant would require a minimum 20-foot wide landscape buffer along the western property line “as long as the property along the western property line is zoned as a residential district.” The volunteered deed restrictions do not specify the nature or quantity of landscaping features to be provided within this buffer zone.

**Parking:**

Off-street parking and loading must be provided in accordance with Division 51A-4.200 for all uses to be located on the property.

**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 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 (A through C), to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster; however, “F” MVA areas are located sporadically within the vicinity of the request site. The lot developed with a single-family use immediately adjacent to the southwest of the request site is noted as an “F” MVA property.

Z212-207(JA)

**List of Partners/Principals/Officers**

**Sapo Real Estate LLC**

Santiago Rivera, Sole member

**Jackson Shaw**

Lewis W. Shaw, II, CEO  
Michele Wheeler, President  
John Stone, CFO  
Joe Blewitt, Vice President  
Joy Chiles, Vice President  
Michael Flower, Vice President  
Miles Terry, Vice President  
Grant Pearson, Vice President  
Tammy Whiteman, Vice President

**CPC ACTION  
AUGUST 18, 2022**

**Motion:** It was moved to recommend **approval** of an LI Light Industrial District with revised deed restrictions volunteered by the applicant to include an eight-foot tall masonry wall provided along the western property line for approximately 520 feet to the tree line to the creek where it will be transitioned to a chain link fence with slats to provide opacity on property zoned an A(A) Agricultural District on the northwest line of Telephone Road, between Bonnie View Road and Van Horn Drive.

Maker: Blair  
Second: Rubin  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Jung, Housewright, Haqq,  
Stanard, Rubin

Against: 0  
Absent: 2 - Vann, Kingston  
Vacancy: 2 - District 3, District 11

**Notices:** Area: 400 Mailed: 16  
**Replies:** For: 0 Against: 2

**Speakers:** For: Julian Mohammed, 3901 Telephone Rd., Dallas, TX, 75241  
Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**CPC ACTION  
AUGUST 4, 2022**

**Motion:** In considering an application for an LI Light Industrial District ~~with deed restrictions volunteered by the applicant~~ on property zoned an A(A) Agricultural District on the northwest line of Telephone Road, between Bonnie View Road and Van Horn Drive, it was moved to **hold** this case under advisement until August 18, 2022.

Maker: Blair  
Second: Hampton  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Shidid, Carpenter, Blair,  
Jung, Housewright, Haqq, Stanard, Kingston,  
Rubin

Against: 0  
Absent: 1 - Anderson  
Vacancy: 3 - District 3, District 7, District 11

**Notices:** Area: 400 Mailed: 16  
**Replies:** For: 0 Against: 2

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None  
Neutral (Did not speak): Julian Mohammed, 3901 Telephone Rd., Dallas, TX, 75241

**CPC ACTION  
JULY 21, 2022**

**Motion:** In considering an application for an LI Light Industrial District with deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District on the northwest line of Telephone Road, between Bonnie View Road and Van Horn Drive, it was moved to **hold** this case under advisement until August 4, 2022.

Maker: Blair  
Second: Rubin  
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Jung, Housewright, Haqq,  
Stanard, Kingston, Rubin

Against: 0  
Absent: 2 - Vann, Gibson  
Vacancy: 1 - District 3

**Notices:** Area: 400 Mailed: 16  
**Replies:** For: 0 Against: 2

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Miles Terry, 4890 Alpha Rd., Dallas, TX, 75244  
Against: Julian Currie, 3901 Telephone Rd., Dallas, TX, 75241  
Gloria Currie, 3901 Telephone Rd., Dallas, TX, 75241



PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS      )  
                                                   )  
 COUNTY OF \_\_\_\_\_    )      KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Santiago Rivera, in his individual capacity and as Sole Manager of SAPO Real Estate LLC, a Limited Liability Company ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the George Floyd Survey, Abstract No. 463 , City Block 8307, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by deeds dated August 16, 2021 and March 21, 2021 , and recorded in Instrument Numbers 202100242683 and 20210312000323, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being in particular a 5.893-acre tract of land out of the George Floyd Survey, Abstract No 463, City Block 8307, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Manuel Valencia Chavez and wife, Karen Dinklang, by deed dated August 4, 2021, and recorded as Instrument number 202100242683, Official Public Records of Dallas County, Texas; and

Being in particular a 7.60-acre tract of land out of the George Floyd Survey, Abstract No 463, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Santiago Rivera, by deed dated March 8, 2021, and recorded as Instrument number 202100070681, Official Public Records of Dallas County, Texas

The Property is more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with cap stamped “Pacheco Koch” said iron being the south corner of a tract of land described in a Special Warranty deed to Ralphe Grocery Company as recorded in Instrument number 201900245299, Official Public Records, Dallas County, Texas and said iron being on the northwesterly right of way line of Telephone Road (100 foot right of way);

THENCE, South 60 degrees 20 minutes 00 seconds West, along said northwesterly right of way line of Telephone Road, a distance of 581.00 feet to the POINT OF BEGINNING and Texas State Plane Coordinate of Northing 6,918,339.48 and Easting 2,505,150.69 of Zone 4202 and the southeasterly corner of said 7.60 acre tract;

THENCE, continuing along said northwesterly right of way line of Telephone Road as follows:  
 South 59 degrees 56 minutes 38 seconds West, a distance of 258.28 feet to a point for corner;

South 60 degrees 00 minutes 00 seconds West, a distance of 231.4 feet to a point for corner;

THENCE, North 30 degrees 00 minutes 00 seconds West, along the northeasterly line of Muhammad Addition at a distance of 594.00 feet for the northeast corner of said Muhammad Addition and being the southeast corner of a tract of land described in a deed to Julian Curry as recorded in Volume 97092, Page 1088, Deed Records, Dallas County, Texas; in a total distance of 1016.6 feet to the called center of Overton Creek;

THENCE, along said center of Overton Creek as follows:

North 24 degrees 00 minutes 00 seconds East, a distance of 140.8 feet to a point for corner;

North 14 degrees 30 minutes 17 seconds East, a distance of 167.6 feet to a point for corner;

South 30 degrees 00 minutes 00 seconds East, a distance of 40.23 feet to a point for corner;

THENCE North 22 degrees 25 minutes 38 seconds East, along the southeasterly line of a tract of land described in a deed to Tejas Investors as recorded in Instrument number 200900188107, Official Public Records, Dallas, County, Texas, a distance of 229.12 feet to a point for corner;

THENCE North 12 degrees 42 minutes 49 seconds East, a distance of 113.03 feet to a point for corner at the northwest corner of a tract of land described in a deed to John H. Adams and Dolly D. Adams as recorded in Volume 74107, Page 144, Deed Records, Dallas County, Texas;

THENCE South 30 degrees 00 minutes 02 seconds, East along the southwesterly line of said Adams tract, a distance of 1401.18 feet to the POINT OF BEGINNING and containing 13.493 acres of land, more or less.

## II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. Maximum structure height is 50 feet.
2. Buildings are prohibited within 60 feet of the western property line.
3. Overhead doors for truck loading and unloading facing the western property line is prohibited.
4. A minimum 20-foot wide landscape buffer is required along the western property line.
5. An eight-foot tall masonry wall must be provided along the western property line for approximately 520 feet to the tree line where it will be transitioned to a chain link fence with slats, through the tree line to the creek, to provide opacity.

6. The following uses are prohibited on the Property:
- (A) Agricultural uses.
    - Crop production.
  - (B) Commercial and business service uses.
    - Building repair and maintenance shop.
    - Bus or rail transit vehicle maintenance or storage facility.
    - Catering service.
    - Commercial cleaning or laundry plant.
    - Custom woodworking, furniture construction, or repair.
    - Electronics service center.
    - Labor hall.
    - Machine or welding shop.
    - Tool or equipment rental.
    - Vehicle or engine repair or maintenance.
  - (C) Industrial uses.
    - Temporary concrete or asphalt batching plant.
  - (D) Institutional and community service uses.
    - Adult day care facility.
    - Cemetery or mausoleum.
    - Child-care facility.
    - College, university, or seminary.
    - Community service center.
    - Hospital.
    - Open-enrollment charter school or private school.
    - Public school other than open-enrollment charter school.
  - (E) Lodging uses.
    - Extended stay hotel or motel.
    - Hotel or motel.
    - Lodging or boarding house.
    - Overnight general purpose shelter.
  - (F) Miscellaneous uses.
    - Attached non-premise sign.
    - Carnival or circus (temporary).
    - Temporary construction or sales office.
  - (H) Recreation uses.
    - Country club with private membership.
    - Private recreation center, club, or area.
    - Public park, playground, or golf course.

- (J) Retail and personal service uses.
  - Alcoholic beverage establishments.
  - Animal shelter or clinic without outside runs.
  - Animal shelter or clinic with outside runs.
  - Auto service center.
  - Car wash.
  - Commercial amusement (inside).
  - Commercial parking lot or garage.
  - Dry cleaning or laundry store.
  - Furniture store.
  - General merchandise or food store 3,500 square feet or less.
  - Home improvement center, lumber, brick or building materials sales yard.
  - Household equipment and appliance repair.
  - Motor vehicle fueling station.
  - Personal service uses.
  - Restaurant without drive-in or drive-through service.
  - Restaurant with drive-in or drive-through service.
  - Temporary retail use.
  - Theater.
  - Truck stop.
  
- (K) Transportation uses.
  - Commercial bus station and terminal.
  - Heliport.
  - Helistop.
  - Railroad passenger station.
  - Transit passenger shelter.
  - Transit passenger station or transfer center.
  
- (L) Utility and public service uses.
  - Commercial radio or television transmitting station.
  - Electrical substation.
  - Local utilities.
  - Police or fire station.
  - Post office.
  - Radio, television, or microwave tower.
  - Tower/antenna for cellular communication.
  - Utility or government installation other than listed.
  
- (M) Wholesale, distribution, and storage uses.
  - Recycling buy-back center
  - Recycling collection center.
  - Recycling drop-off container.
  - Recycling drop-off for special occasion collection.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

**THE OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THE PROVISIONS OF THIS DOCUMENT.**

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest

in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Owner

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

\_\_\_\_\_

Property Lienholder or Mortgagee

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

By: \_\_\_\_\_  
Assistant City Attorney

STATE OF TEXAS

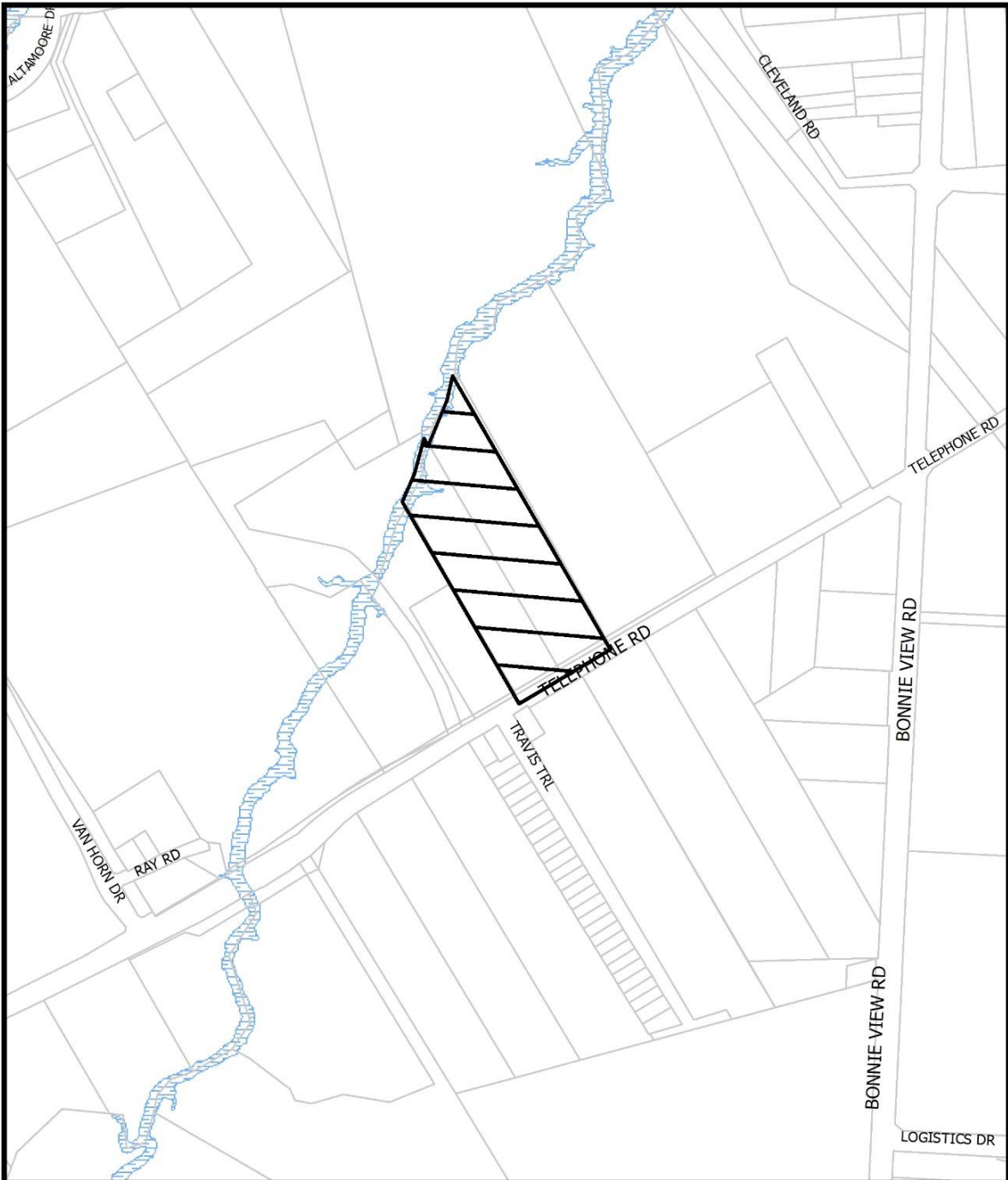
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by  
\_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ a  
corporation, on behalf of said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

[NOTARY PUBLIC STAMP]

**[Attach an acknowledgment for each signer]**



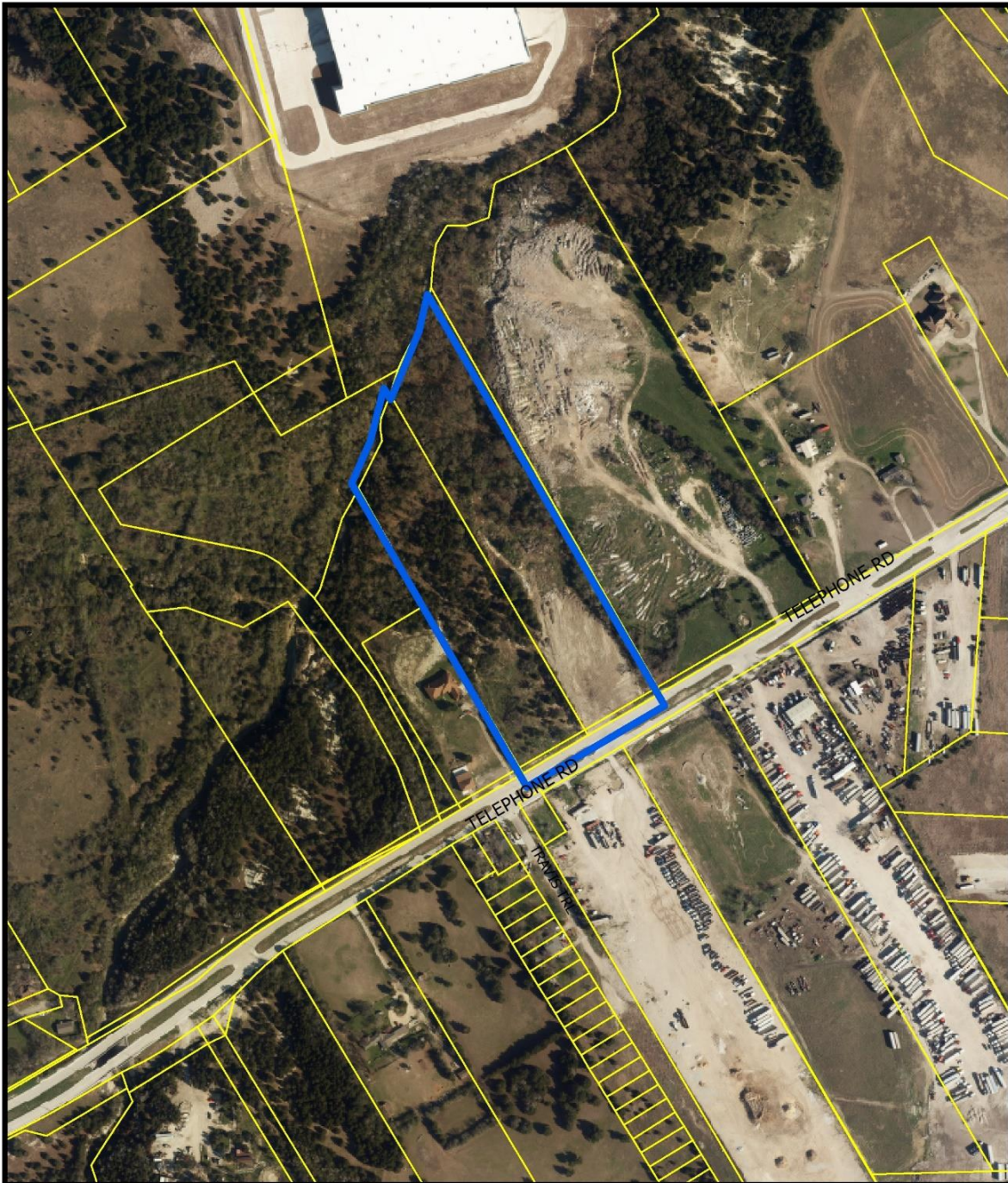
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# VICINITY MAP

Case no: Z212-207

Date: 6/22/2022



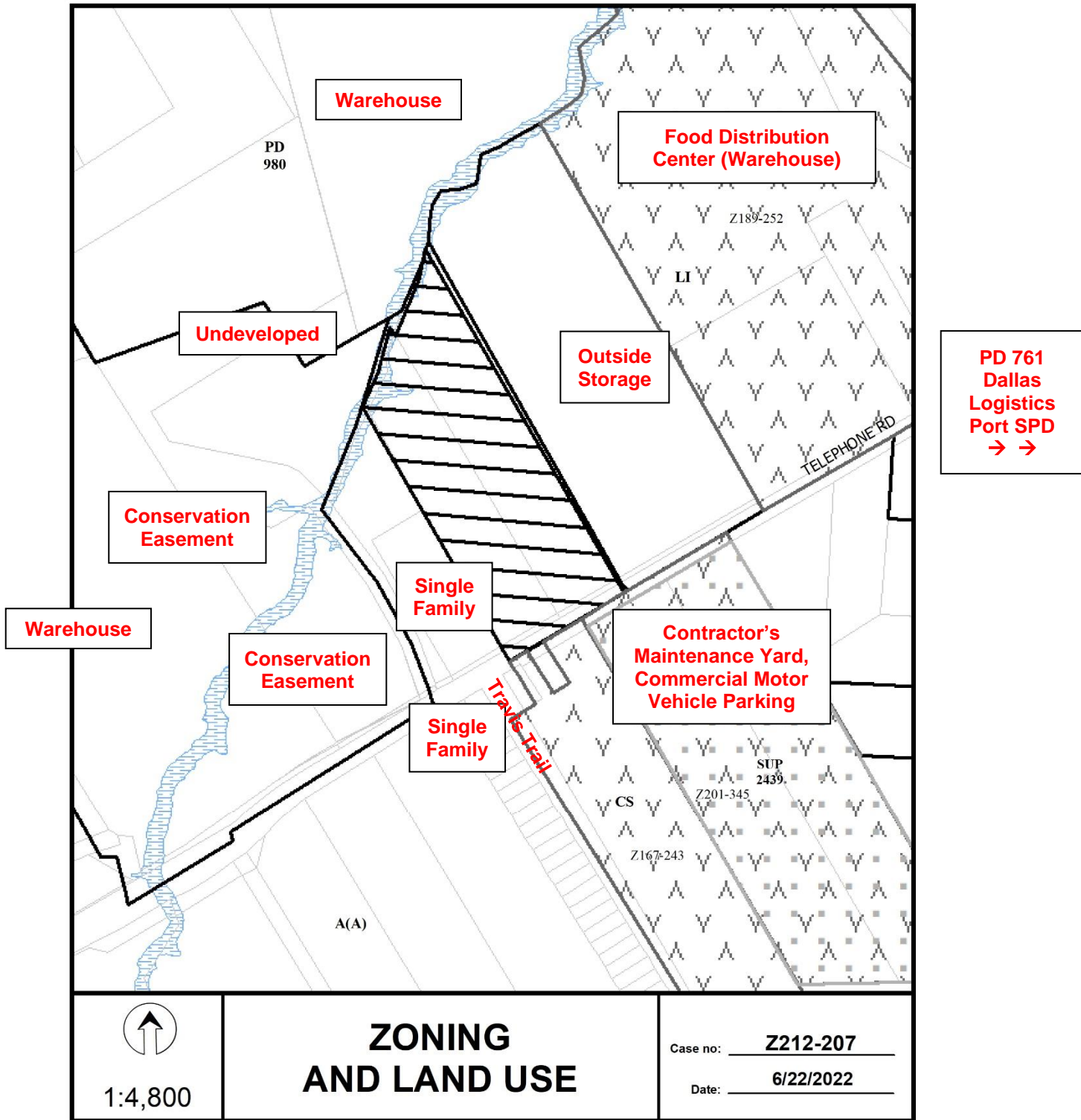


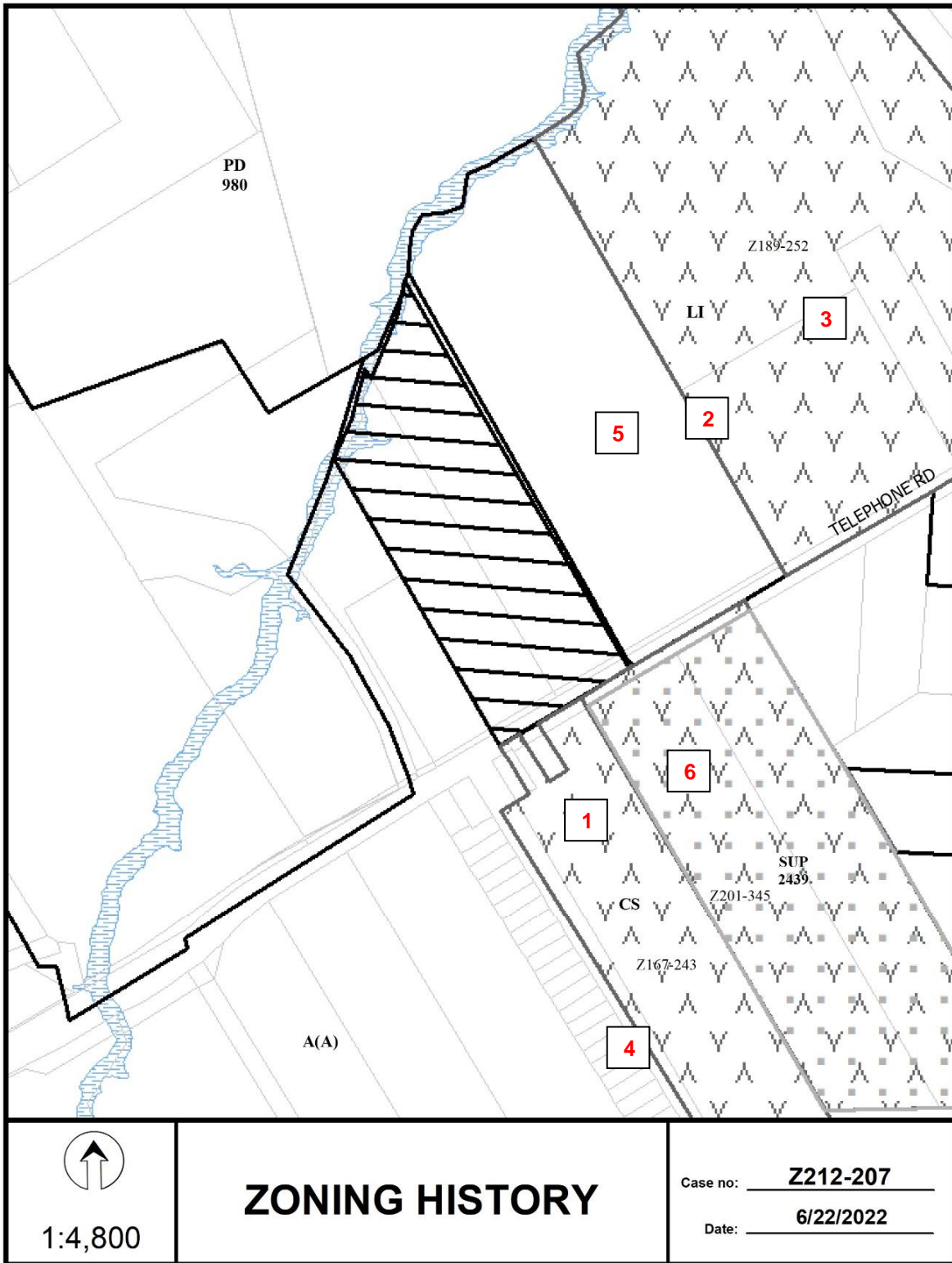
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# AERIAL MAP

Case no: Z212-207

Date: 6/22/2022





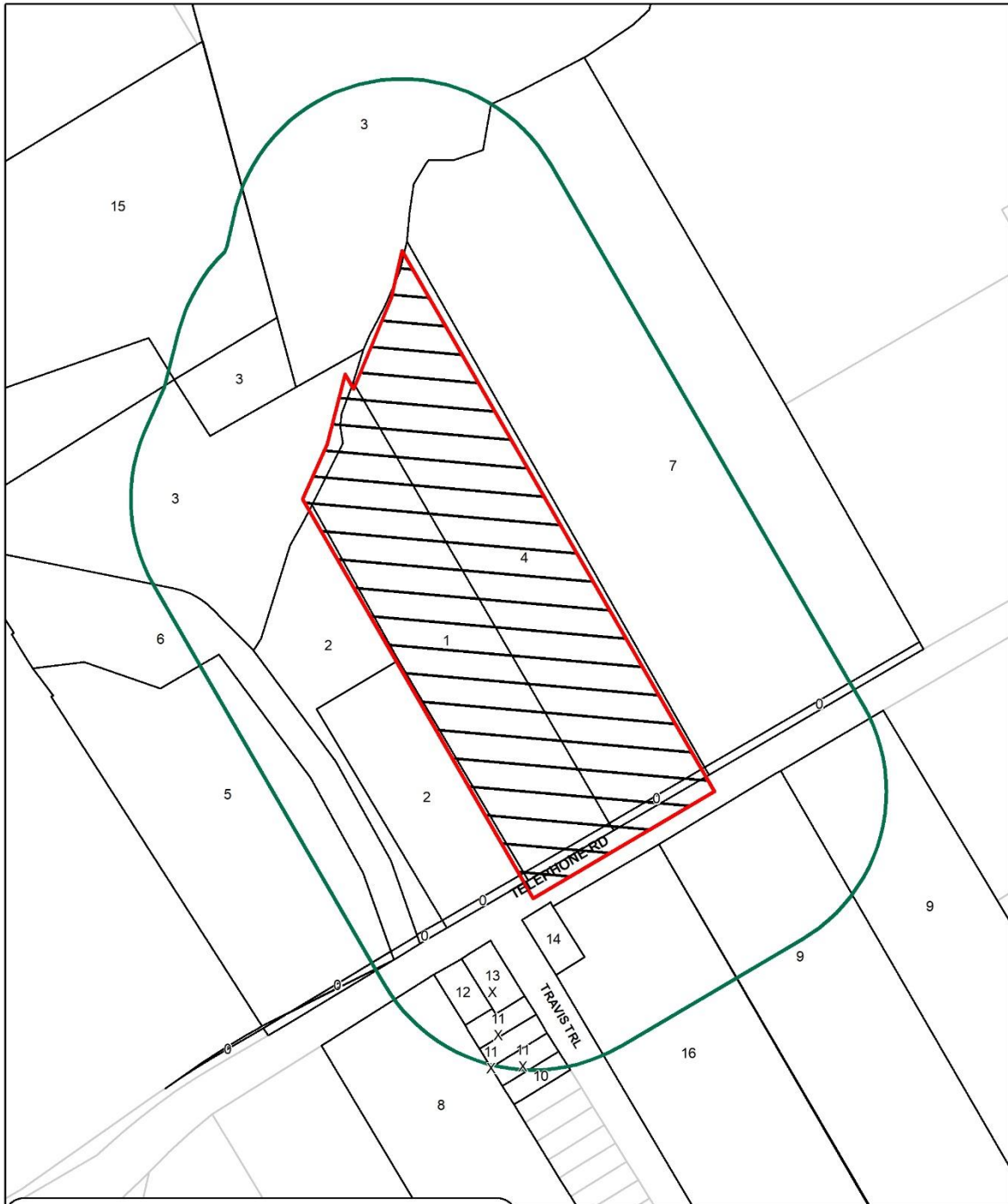


**Market Value Analysis**   A   B   C   D   E   F   G   H   I   NA

 1:7,200

# Market Value Analysis

Printed Date: 6/22/2022



**Z212-207**  
**CPC**



1:3,600

08/17/2022

***Reply List of Property Owners******Z212-207******16 Property Owners Notified    0 Property Owners in Favor    2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3925 TELEPHONE RD	CHAVEZ MANUEL VALENCIA &
	2	3901 TELEPHONE RD	CURRIE JULIAN & GLORIA
	3	3845 TELEPHONE RD	CEDARDALE PROPERTY CO LLC
	4	3935 TELEPHONE RD	SAPO REAL ESTATE LLC
	5	3845 TELEPHONE RD	TC ALTAMOORE PHASE 1 VENTURE LLC
	6	3845 TELEPHONE RD	CEDARDALE PHASE I LLC
	7	4041 TELEPHONE RD	ADAMS JOHN H
	8	3800 TELEPHONE RD	ARCHIBALD GARY &
	9	4100 TELEPHONE RD	NFL LOGISTICS LLC
	10	9627 TRAVIS TRL	RUBIO ADELINA
X	11	9623 TRAVIS TRL	RODRIGUEZ BLANCA H &
	12	3830 TELEPHONE RD	RICO FRANCISCO & MARIA ELENA
X	13	3838 TELEPHONE RD	RODRIGUEZ ISRAEL PAZ &
	14	3906 TELEPHONE RD	CONNER LINDA K
	15	3800 CEDARDALE RD	CEDARDALE PHASE II LLC
	16	3918 TELEPHONE RD	TELEPHONE ROAD LAND DEVELOPMENT LLC