

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z189-277(CY/JT) **DATE FILED:** May 24, 2019  
**LOCATION:** North line of West Camp Wisdom Road, east of Clark Road  
**COUNCIL DISTRICT:** 3 **MAPSCO:** 61 B; U  
**SIZE OF REQUEST:** Approx. 2.96 acres **CENSUS TRACT:** 165.21

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**REPRESENTATIVE:** Santos Martinez, La Sierra Planning Group

**OWNER/APPLICANT:** Thomas Gaubert Irrevocable Trust

**REQUEST:** An application for **(1)** an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant; and **(2)** the termination of existing deed restrictions [Z889-187, Tract 2] on property zoned an NS(A) Neighborhood Service District with existing deed restrictions.

**SUMMARY:** The applicant proposes to develop the site with a multifamily use in accordance with the MF-2(A) Multifamily District regulations. The volunteered deed restrictions will limit the maximum number of dwelling units on the property to 88. The current deed restrictions prohibit general merchandise or food store 3,500 square feet or less, and motor vehicle fueling station use on the property. These uses are not allowed in the proposed zoning district.

**CPC RECOMMENDATION:** Denial.

**STAFF RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions [Z889-187, Tract 2].

## **BACKGROUND INFORMATION:**

- The area of request is zoned an NS(A) Neighborhood Service District with existing deed restrictions [Z889-187 Tract 2] and is currently undeveloped. Historic aerial images going as far back as 1952, show that the site has never been developed, and no records of building permits were found at Building Inspections.
- The existing deed restrictions prohibit general merchandise or food store 3,500 square feet or less, and motor vehicle fueling station use on the property. These uses are not allowed in the proposed MF-2(A) Multifamily District; therefore, the applicant proposes to terminate the deed restrictions.
- The existing deed restrictions were volunteered in conjunction with a request for an NS(A) Neighborhood Service District approved by City Council on September 23, 1989.
- The Neighborhood Service District is intended to accommodate convenience retail shopping, services, and professional offices principally servicing, and compatible in scale and intensity of uses with adjacent residential uses.
- The purpose of requesting a zoning change is to develop the site with a multifamily use in accordance with the MF-2(A) Multifamily District regulations.
- The MF-2(A) Multifamily District is generally comprised of areas containing a mix of single family, duplex, and multifamily dwellings.
- The applicant is also volunteering deed restrictions that will limit the number of dwelling units on the site to a maximum of 88.

**Zoning History:** There have been two zoning changes in the vicinity in the past five years.

1. **Z156-325** On June 12, 2019, the City Council approved an amendment to Planned Development District No. 521 on property generally located on the west side of Mountain Creek Parkway from I-20 to West Camp Wisdom Road, the southwest corner of Mountain Creek Parkway and West Camp Wisdom Road, the southwest corner of West Camp Wisdom Road and Eagle Ford Drive, the north side of West Camp Wisdom Road at the terminus of Eagle Ford Drive, and the south side of West Camp Wisdom Road from west of Timberbrook Lane to Clark Road, southwest of the area of request.
2. **Z167-101** On April 12, 2017, the City Council approved an amendment to Planned Development District No. 938 on property located on the south side of Clarkwood Drive and the east side of Clark Springs Drive, west and northwest of the area of request.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
West Camp Wisdom Rd.	Principal arterial	100 ft.	107 ft.

**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.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

**Policy 1.3.1** Create housing opportunities throughout Dallas

**ECONOMIC ELEMENT**

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS.**

**Policy 2.5.2** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

**NEIGHBORHOOD PLUS**

**GOAL 5.0 EXPAND HOMEOWNERSHIP**

**Policy 5.1** Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

**Action 5.1.3** Conduct rezoning in target areas to remove barriers to more diverse and affordable single-family ownership options including small-lot single family, duplexes, townhomes, cottage homes, and courtyard homes.

**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	NS(A) with deed restrictions	Undeveloped land
<b>North</b>	A(A), PDD No. 938	Undeveloped land, multifamily
<b>East</b>	TH-1(A)	Single family
<b>South</b>	City of Duncanville (Residential zoning)	Single family.
<b>West</b>	A(A), PDD No. 938 with deed restrictions	Undeveloped land, multifamily

**Land Use Compatibility:**

The approximate 2.96-acre site is zoned NS(A) Neighborhood Service District with existing deed restrictions [Z889-187 Tract 2] and is currently undeveloped.

The area surrounding the subject site is predominantly residential including traditional detached single-family developments to the east and south [City of Duncanville], and multifamily to the north and west.

The purpose of requesting a zoning change to an MF-2(A) Multifamily District is to allow for the development of the site with a multifamily use. The applicant is also volunteering deed restrictions that will limit the number of dwelling units on site to a maximum of 88. Commonly there is no maximum dwelling unit density within the MF-2(A) Multifamily District.

The applicant proposes to terminate existing deed restrictions that were volunteered in conjunction with a request for an NS(A) Neighborhood Service District approved by City Council on September 23, 1989. The deed restrictions prohibit general merchandise or food store 3,500 square feet or less and motor vehicle fueling station use on the property. The applicant requests terminating the existing deed restrictions because the uses prohibited per such deed restrictions are not allowed in the proposed zoning district. With proposed deed restrictions the applicant is allowed to possible opportunity to take advantage of mixed income housing; however, the applicant has not opted for such a proposal.

Staff supports the applicant's request because the proposed residential district is more compatible with the surrounding areas than the existing non-residential district. Furthermore, the volunteered deed restrictions provide for a maximum density that is consistent with the surrounding zoning.

## **Development Standards**

The chart below provides for a comparison between the existing and the proposed zoning regulations. Without the volunteered deed restrictions, there would not be limitation on the maximum density per the MF-2(A) Multifamily District regulations.

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Minimum Lot Size	Additional Provisions	Primary Uses
	Front	Side/Rear						
Existing NS(A)	15'	20' when adjacent to residential, Other, no minimum	No maximum	35' for structures with a gable, hip or gambrel roof and 30' for any other structure	40%	No min.	RPS DIR Visual intrusion	Retail and personal service, office.
Proposed MF-2(A)	15'	No min for SFD; 5' side for duplex, 10' side for other; 10' rear for duplex, 15' rear for other.	<b>Maximum 88 dwelling units*</b>	36'	60% for res. 50% other	1,000 sf for SFD; 3,000 sf for Duplex; 800 sf MFD no bdrm; 1,000 sf MFD one bdrm; 1,200 sf MFD two bdrm; 150 sf additional bdrm	RPS SFD Spacing	Multifamily, Duplex, Single Family.

\* Deed Restrictions

## **Parking:**

Parking will be provided in accordance with the Dallas Development Code, as amended. For the proposed multifamily development, parking will have to be provided at a ratio of one space per bedroom. The overall parking ratio for the proposed development will depend on the number of bedrooms which will be determined at permitting.

## **Landscaping:**

Landscaping will be provided in accordance with Article X, as amended.

## **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 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

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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. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the east and west.

**LIST OF OFFICERS**

**Thomas Gaubert Irrevocable Trust**

Thomas Gaubert	Sole trustee.
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**CPC Action:**

**May 21, 2020**

**Motion:** It was moved to recommend **denial** of an application for 1) an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant, and 2) of the termination of existing deed restrictions [Z889-187, Tract 2] on property zoned an NS(A) Neighborhood Service District with existing deed restrictions on the north side of West Camp Wisdom Road, east of Clark Road.

Maker: Stinson  
Second: Schultz  
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Housewright, Schultz, Schwope, Murphy,  
Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 300 Mailed: 39  
**Replies:** For: 4 Against: 7

**Speakers:** For: Santos Martinez, P.O. Box 1275 Angel Fire, NM, 877  
Against: Francis Escobar, 6915 Rolling Creek Ln. Dallas, TX,  
Against (Did not speak): Robin Everett, 6915 Rolling Creek Ln., Dallas, TX,

75236

**CPC Action:**

**May 7, 2020 - Cancelled**

**CPC hearing of April 9, 2020 – cancelled due to COVID-19**

**CPC Action:**

**February 20, 2020**

**Motion:** In considering an application for 1) an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant, and 2) the termination of existing deed restrictions [Z889-187, Tract 2] on property zoned an NS(A) Neighborhood Service District with existing deed restrictions on the north side of West Camp Wisdom Road, east of Clark Road, it was moved to **hold** this case under advisement until April 9, 2020.



Maker: Schultz  
Second: Carpenter  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jackson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Garcia, Rubin\*

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 39  
**Replies:** For: 3 Against: 20

**Speakers:** For: None  
For (Did not speak): Santos Martinez, 12 Tanager Terrace, Angel Fire, NM  
Against: None

**CPC Action:**  
**November 21, 2019**

**Motion:** In considering an application for 1) an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant, and 2) the termination of existing deed restrictions [Z889-187, Tract 2] on property zoned an NS(A) Neighborhood Service District with existing deed restrictions on the north line of West Camp Wisdom Road, east of Clark Road, it was moved to **hold** this case under advisement until February 20, 2020.

Maker: Schultz  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 39  
**Replies:** For: 3 Against: 20

**Speakers:** None

**CPC Action:**  
**October 17, 2019**

**Motion:** In considering an application for 1) an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant, and 2) the termination of existing deed restrictions [Z889-187, Tract 2] on property zoned an NS(A) Neighborhood Service District with existing deed restrictions on the north line of West Camp Wisdom Road, east of Clark Road, it was moved to **hold** this case under advisement until November 21, 2019.

Maker: Schultz  
Second: Carpenter  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

**Notices:** Area: 300 Mailed: 39  
**Replies:** For: 3 Against: 19

**Speakers:** For: Santos Martinez, P.O. Box 1275, Angel Fire, NM, 87710  
For (Did not speak): Chad Adams, 1130 N. Westmoreland Rd., DeSoto, TX,  
Against: Frances Escobar, 6915 Rolling Creek Ln., Dallas, TX, 75236

<p><b>EXISTING DEED RESTRICTIONS</b> <b>(to be terminated)</b></p>
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That the undersigned, L & S DEVELOPMENT COMPANY, does hereby impress all of the above-described property, hereinafter referred to as THE PROPERTY, with the following deed restrictions to wit:

1. USES: The following uses are not permitted on THE PROPERTY:

- (i) general merchandise or foodstore 3500

- square feet or less, and

- (ii) motor vehicle fueling station.

2. DEFINITIONS: All definitions of CHAPTER 51A "DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply and are incorporated into this document as if recited herein.

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.

**VOLUNTEERED DEED  
RESTRICTIONS**

DEED RESTRICTIONS

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

I.

The undersigned, Thomas M. Gaubert, Trustee of Thomas M. Gaubert Irrevocable Trust, a Trust ("the Owner"), is the Owner of the following described property ("the Property"), being in particular a tract of land out of the Andrew J. Wilson Survey, Abstract No. 1534, City Block 8596, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Gerald J. & Heidi A. Bauer, by deed dated July 5, 2016, and recorded in Instrument Number 201600180267, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit "A" attached hereto.

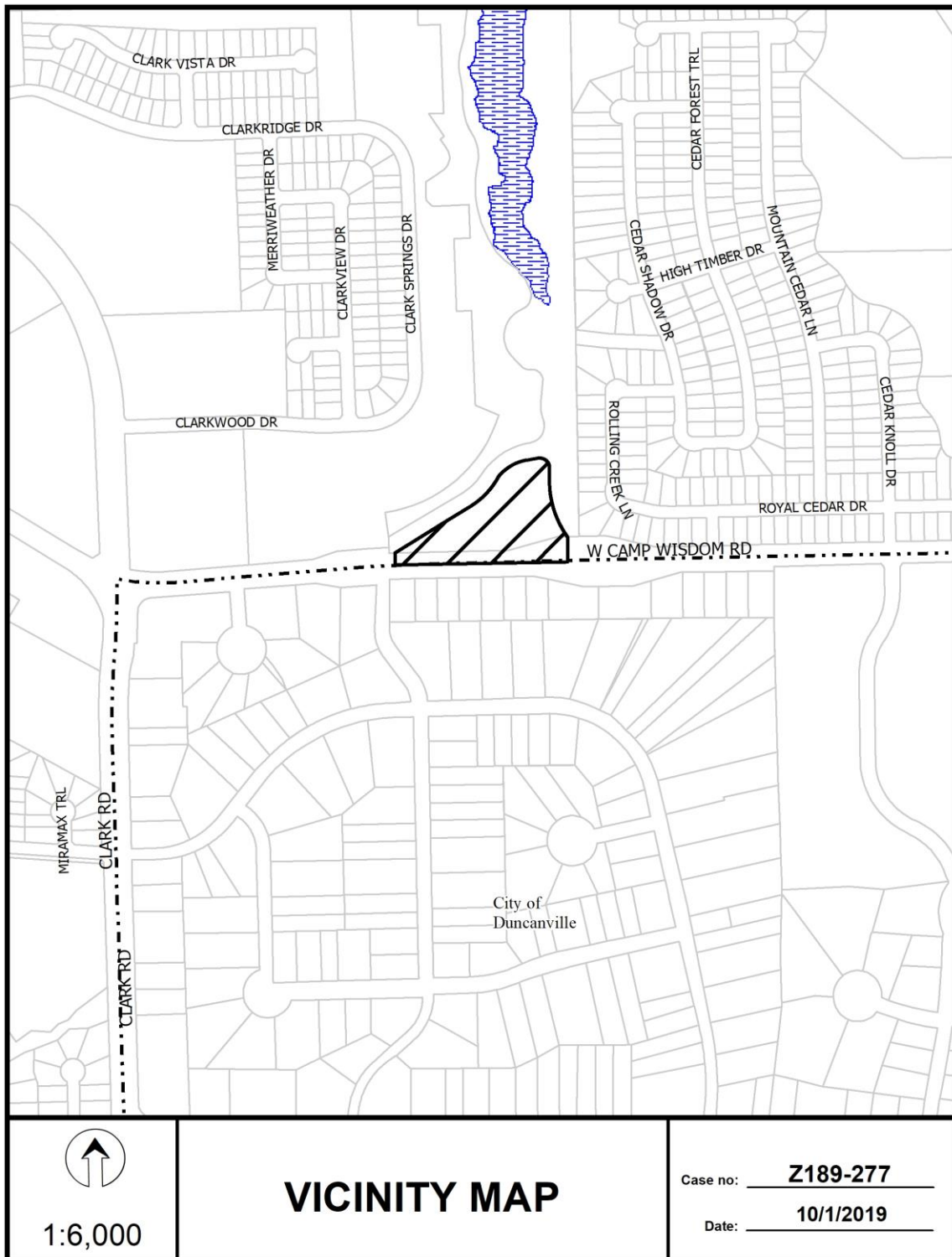
II.

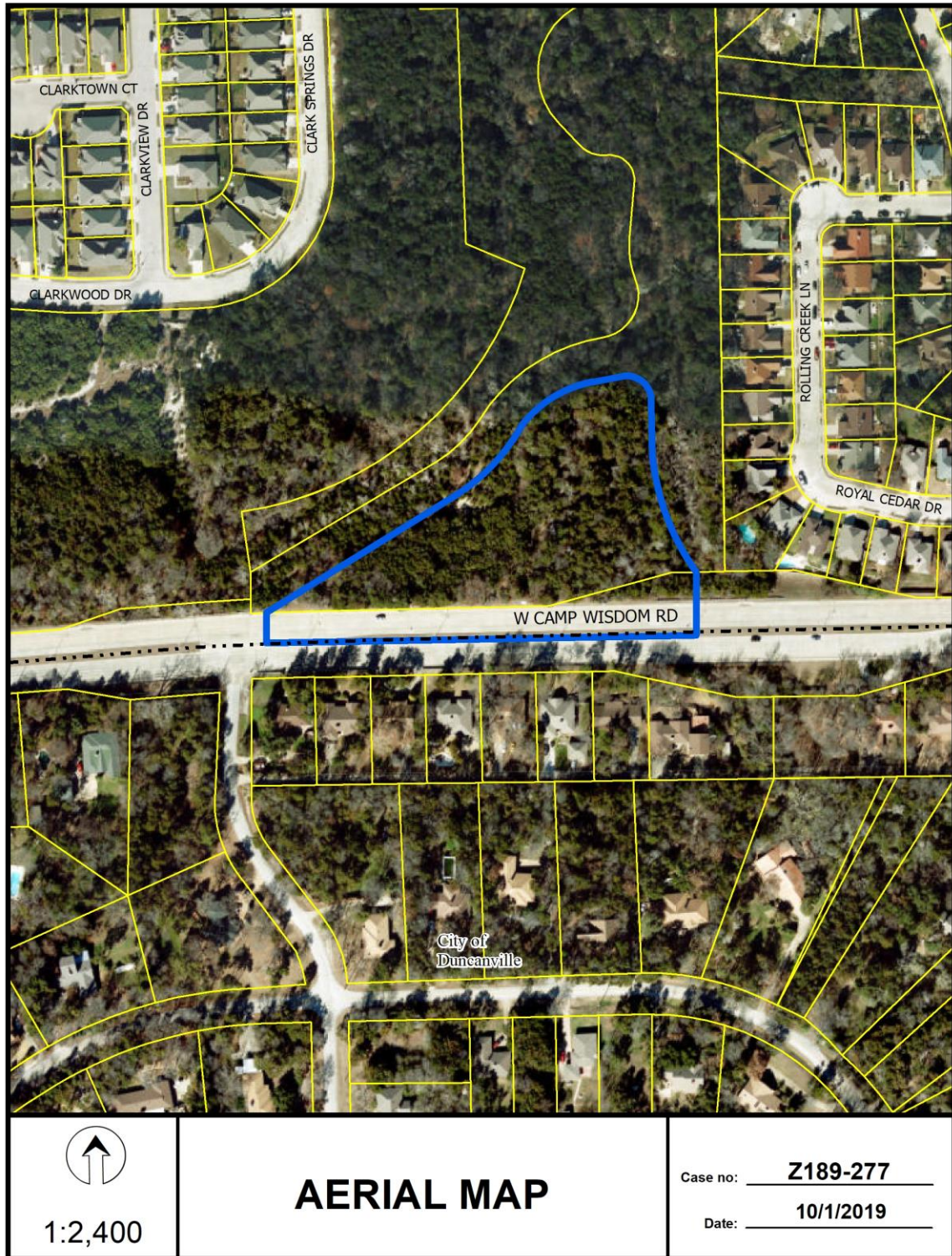
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

Maximum number of dwelling units is 88.

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.



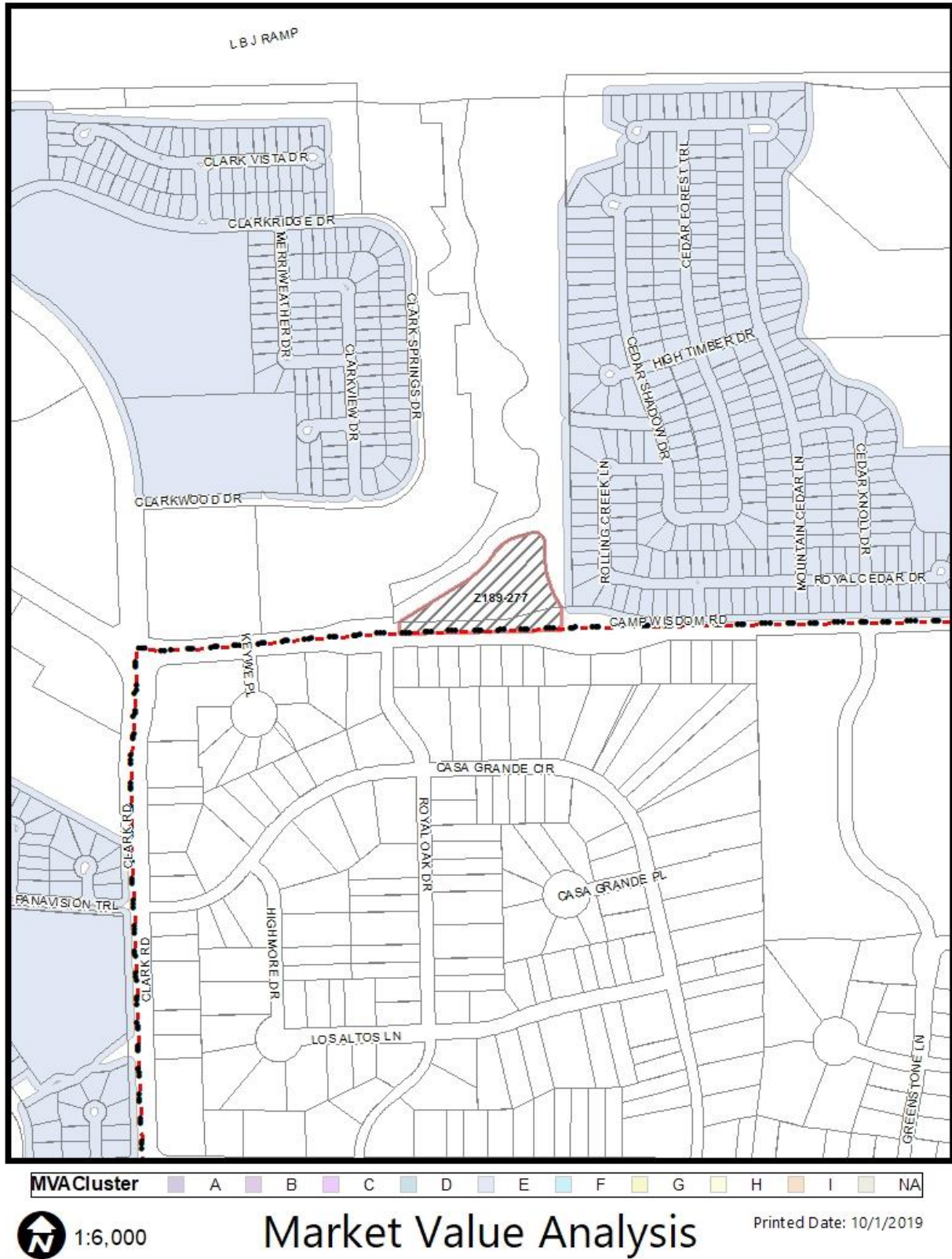














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***Reply List of Property Owners******Z189-277******39 Property Owners Notified******4 Property Owners in Favor******7 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	6000 W CAMP WISDOM RD	GAUBERT THOMAS M IRREVOCABLE TR
	2	40810 LBJ FWY	LUCAS LARRY W CO
O	3	40800 LBJ FWY	WILDWOOD FOUNDATION
O	4	40800 LBJ FWY	CLARK RIDGE CANYON LTD
X	5	6520 ROYAL CEDAR DR	MELLOR CHRISTINA
	6	6524 ROYAL CEDAR DR	RODRIGUEZ JUAN CARLOS
	7	6528 ROYAL CEDAR DR	GARCIA JOSE ROMEO
	8	6935 ROLLING CREEK LN	GONZALEZ VICKY
X	9	6931 ROLLING CREEK LN	BOWMAN WILLIAM D
	10	6927 ROLLING CREEK LN	FLORES SALVADOR LUCIO LOPEZ
X	11	6923 ROLLING CREEK LN	HUBBARD CHARYA LASHAE
	12	6919 ROLLING CREEK LN	SANCHEZ INOCENCIA C
X	13	6915 ROLLING CREEK LN	ESCOBAR FRANCIS V LIFE ESTATE
X	14	6911 ROLLING CREEK LN	HALL SHIQUITA
	15	6907 ROLLING CREEK LN	SFR JV 1 PPTY LLC
	16	6903 ROLLING CREEK LN	GIBBS LAURA
	17	6823 ROLLING CREEK LN	IBARRA NOEL
	18	6912 ROLLING CREEK LN	SFR JV1 PROPERTY LLC
	19	6916 ROLLING CREEK LN	KNIGHT BONITA L
	20	6920 ROLLING CREEK LN	BROWN GARY A & VICKEY L
	21	6924 ROLLING CREEK LN	SMITH FAMILY TRUST DATED AUGUST 5, 2014
	22	6928 ROLLING CREEK LN	DIOSDADO ROSA
X	23	1226 W CAMP WISDOM RD	BURSON GERALD D
	24	1222 W CAMP WISDOM RD	EVANS TONY & VIRGINIA R
	25	1218 W CAMP WISDOM RD	EDWARDS MATTIE
	26	1214 W CAMP WISDOM RD	ROBINSONWHITE MABLE LEE

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	1210 W CAMP WISDOM RD	WOOTEN LE ROY JR &
	28	1206 W CAMP WISDOM RD	DRISCOLL THOMAS B &
O	29	1202 W CAMP WISDOM RD	ANDERSON JOHN L & JOY G
	30	1134 W CAMP WISDOM RD	COCHRAN BRENT & AMY
	31	1130 W CAMP WISDOM RD	CUELLAR DENISE M
	32	702 ROYAL OAK DR	LE KEVIN & KATHY NGUYEN
	33	638 CASA GRANDE PL	MASK RUSSELL L & PENNY C
	34	634 CASA GRANDE PL	RAMIREZ LOURDES E &
	35	630 CASA GRANDE PL	ANIGBO SYLVESTER &
	36	626 N CASA GRANDE CIR	BLEVINS WILLIAM C JR &
	37	622 N CASA GRANDE CIR	JAMES ANTYON &
	38	1302 W CAMP WISDOM RD	FAJARDO VERONICA &
	39	1306 W CAMP WISD	