

**FILE NUMBER:** Z201-293(CT)

**DATE FILED:** June 28, 2021

**LOCATION:** Southeast corner of Lyndon B. Johnson Freeway and Dallas North Tollway

**COUNCIL DISTRICT:** 13

**MAPSCO:** 15 S

**SIZE OF REQUEST:** approx. 31.822 acres

**CENSUS TRACT:** 96.04

**REPRESENTATIVE:** Angela Hunt – MUNSCH HARDT

**OWNER/APPLICANT:** TIAA for the Benefit of its Separate Real Estate Account

**REQUEST:** An application for the termination of deed restrictions [Z789-149] on property zoned an MU-3 Mixed Use District.

**SUMMARY:** The purpose of the request is to terminate the deed restrictions that include limitations primarily related to setbacks, site coverage, floor area ratio, permitted uses, signage, and timing of construction.

**CPC RECOMMENDATION:** Approval of an amendment to the deed restrictions, in lieu of the termination of the deed restrictions.

**STAFF RECOMMENDATION:** Approval of an amendment to the deed restrictions, in lieu of the termination of the deed restrictions.

**BACKGROUND INFORMATION:**

- The 31.822-acre area of request is zoned MU-3 Mixed Use District and is currently developed with three office towers, parking, amenities, and retail space.
- Volunteered deed restrictions were approved in March of 1979.
- The deed restrictions limit the northern setback, floor to area ratio, and site coverage.
- The applicant originally sought to remove the deed restrictions and allow for the standard MU-3 Mixed Use District development standards.
- Before the CPC hearing, the applicant updated their request to only amend the deed restrictions to remove the provision related to northern setback. Since the updated request is more restrictive than what was originally proposed, renotification was not required.

**Zoning History:**

There has been one zoning changes in the vicinity during the last five years.

1. **Z189-357:** An authorized hearing to determine the appropriate zoning for the area to include but not limited to use, development standards, and other appropriate regulations.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Lyndon B. Johnson Freeway	Highway	Variable
Dallas North Tollway	Highway	Variable

**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:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	MU-3 Mixed Use District	Office
<b>North</b>	Planned Development District No. 887	Highway Retail
<b>East</b>	GO(A) MF-1(A)	Office Multifamily
<b>South</b>	NO(A) Specific Use Permit No. 1848 Planned Development District No. 50	Office Single Family
<b>West</b>	Planned Development District No. 42 R-10(A)	Single Family

**Land Use Compatibility:**

The subject site is developed with three office buildings. The surrounding area is comprised of single-family neighborhoods to the west of the subject site across Inwood Road. East of the site are office uses and a multifamily development and south are office uses and a Specific Use Permit for a restaurant without drive-in or drive through service.

The deed restrictions require a 100-foot setback from the northern property line and the removal of the deed restriction will allow for the MU-3 standard of a 15-foot setback. The site coverage currently allows no more than 30% of the site be covered with buildings and the removal of the deed restrictions would allow for the MU-3 standard of 80% lot coverage for the site. The floor to area ratio of the site currently limits the site to 2,750,000 square feet (comparable to a FAR of 2.0), with the removal of the deed restrictions the MU-3 standard FAR of 3.2 will be allowed. The deed restrictions also place an additional 10% FAR limitation on the following light industrial uses on the property. The deed restrictions also limit the uses, which with the original request would be lifted and all uses per MU-3 regulations would apply. However, with the amended request, the only restriction that would be taken out is the 100-foot setback requirement from the northern property line and replaced with a 15-foot setback requirement, which is the same as allowed on the existing MU-3 zoning district.

Staff was supporting the initial request of removal of the deed restrictions. Staff also supports the amendment of the deed restrictions as the reduced setback that would now

be allowed on the northern property line will not have any detrimental effect on surrounding properties.

**Parking:**

Parking for the site will be pursuant to the Dallas Development Code.

**Landscaping:**

The proposed development must provide landscaping in accordance with Article X of the Dallas Development Code, as amended.

**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 is not a part of an MVA cluster, there is a "E" MVA cluster to the east of the site and an "B" MVA Cluster to the south.

**LIST OF OFFICERS****TREA DALLAS LINCOLN CENTER LLC**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Title</b>
Christopher	A	Baraks	Vice President
Derreck	R	Barker	Authorized Signer
Mary	Catherine	Benedetto	Secretary
Graydon		Bouchillon	Vice President
Reisa		Bryan	Vice President
Christopher		Burk	Vice President
John		Caruso	Vice President
John	B	Cornuke	Vice President
Stacy		Eisenhauer	Controller
John		Gay	Vice President
Randy		Giraldo	Vice President
Michael		Hunter	Vice President
Su	Youn	Kim	Vice President
Harvey		Koo	Authorized Signer
Shawn	C	Lese	Executive Vice President
James	G	Martha	Vice President
Manuel		Martin	Vice President
Gordon	Christopher	McGibbon	President
Jennifer		Orbock	Vice President
Chad		Phillips	Vice President
Cheryl		Roberts	Assistant Secretary
Nadir		Settles	Authorized Signer
Jennifer		Sisom	Treasurer
Carly		Tripp	Vice President
Francesca		Weindling	Assistant Secretary

TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA  
for the benefit of the REAL ESTATE ACCOUNT

First Name	Middle Name	Last Name	Title
Christopher	A	Baraks	Vice President
Mary	Catherine	Benedetto	Secretary
Graydon		Bouchillon	Vice President
Reisa		Bryan	Vice President
Christopher		Burk	Vice President
John		Caruso	Vice President
John	B	Cornuke	Vice President
Stacy		Eisenhauer	Controller
John		Gay	Vice President
Randy		Giraldo	Vice President
Michael		Hunter	Vice President
Su	Youn	Kim	Vice President
Shawn	C	Lese	Executive Vice President
James	G	Martha	Vice President
Manuel		Martin	Vice President
Gordon	Christopher	McGibbon	President
Jennifer		Orbock	Vice President
Chad		Phillips	Vice President
Jennifer		Sisom	Treasurer
Carly		Tripp	Vice President

**CPC ACTION**  
**NOVEMBER 18, 2021**

**Motion:** It was moved to recommend **denial** of the termination of deed restrictions (Z789-149); and recommend **approval** of an amendment to deed restrictions (Z789-149) to remove the 100-foot setback and change to a 15-foot setback on the northern perimeter of the Lincoln Center Property on property zoned an MU-3 Mixed Use District at the southeast corner of Lyndon B. Johnson Freeway and Dallas North Tollway.

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

For: 11 - Anderson, Shidid, Carpenter, Jackson, Blair,  
Jung, Suhler, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 0  
Vacancy: 3 - District 1, District 3, District 10  
Conflict: 1 - Hampton

\*\*out of the room, when vote taken

**Notices:** Area: 500 Mailed: 78  
**Replies:** For: 0 Against: 1

**Speakers:** For: Angel Hunt, 500 N. Akard St., Dallas, TX, 75201  
Harvey Koo, 560 Mission St., San Francisco, CA, 94105  
Against: Christy Frazer, 12440 Montego Plaza, Dallas, TX, 75230  
Mary Fent, 4606 Gulfstream Dr., Dallas, TX, 75244

Existing Deed Restrictions to be amended
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DEED RESTRICTIONS

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

THAT the undersigned, M. R. IRION and L. R. STRICKLAND, are the owners of the following described property situated in Dallas County, Texas, being in particular a tract of land situated in the Isaish Park Survey, Abstract No. 1144, Dallas County, Texas and being a part of the City of Dallas Block No. 7000, and being more particularly described as follows:

BEGINNING at a point of tangency of a circular curve in the West line of Noel Road (60'R.O.W.) near its intersection with the South line of I.H. 635;

THENCE South 0°4'30" West along the West line of Noel Road a distance of 1108.19 ft. to a point for a corner;

THENCE South 37°25'55" West a distance of 7.95 feet to a point for corner in the North R.O.W. line of Harvest Hill Road (60'R.O.W.);

THENCE South 74°47'20" West along said North R.O.W. line of Harvest Hill Road a distance of 826.08 feet to a point for a corner and the beginning of a circular curve to the right having a central angle of 7°33'56", a radius of 1243.24 feet, and a tangent of 82.20 feet;

THENCE along said circular curve to the right, and along said North R.O.W. line of Harvest Hill Road, an arc distance of 164.16 to a point for corner;

THENCE North 53°45'23" West a distance of 14.71 feet to a point for a corner in the East line of 100 feet D.P.&L. Co. R.O.W.;

THENCE North 16°55' West along said East line of 100 feet D.P. & L. Co. R.O.W. a distance of 900.54 feet to a point for a corner;

THENCE North 0°18'36" West a distance of 172.95 feet to a point for a corner in the South R.O.W. line of I.H. 635;

THENCE North 67°20'10" East along said South R.O.W. line of I.H. 635 a distance of 95.00 feet to a point for a corner;

THENCE North 51°20'10" East a distance of 263.00 feet to a point for a corner;

THENCE North 64°20'10" East a distance of 249.78 feet to a point for a corner;

THENCE North 80°20'10" East a distance of 201.10 feet to a Highway R.O.W. monument for a corner;

THENCE South 89°57'10" East along said South R.O.W. line of I.H. 635 a distance of 517.62 feet to a point for a corner in a circular curve to the right at the point of



intersection of the said South line with the said West line of Noel Road, said circular curve having a central angle of 25°57'41", a radius of 50.0 feet and a tangent of 11.53 feet;

THENCE Southerly with said West line and said circular curve to the right a distance of 22.66 feet to the POINT OF BEGINNING and containing 31.8305 acres (1,386,537 square feet) of land.

That the undersigned do hereby impress all of the above described property with the following deed restrictions, to-wit:

(1) The undersigned and their successors or assigns do hereby agree that no more than thirty percent (30%) of said tract will be covered with buildings, excluding parking facilities, and that no more than 2,750,000 square feet of floor area will be constructed thereon, excluding parking facilities.

(2) The undersigned and their successors or assigns do hereby agree that no building will be constructed upon said tract within 100 feet of the north property line bounded by the south service road to L.B.J. Freeway (Interstate 635), within twenty-five feet of the west property line, or within twenty-five feet of its property line adjacent to Noel Road and Harvest Hill.

(3) Other than the uses authorized in a Light Commercial District set forth below, said property may only be used for the uses and purposes authorized in an Office-2 District under the Comprehensive Zoning Ordinance of the City of Dallas, as presently existing or as it may be hereinafter amended:

- (a) Lounge, bar or tavern
- (b) Eating place without drive-in service
- (c) Eating place with beer, wine or liquor
- (d) Eating place with dancing or private entertainment
- (e) Private club with dining and/or bar service
- (f) Barber and beauty shop
- (g) Custom sewing and millinery
- (h) Health studio
- (i) Photograph studio
- (j) Shoe repair
- (k) Tailor
- (l) Travel bureau

- (m) Antique Shop
- (n) Food store, retail sale
- (o) Bakery or confectionery shop (retail)
- (p) Book and stationery store
- (q) Camera shop
- (r) Cigar, tobacco and candy store
- (s) Clothing store
- (t) Drug store or pharmacy
- (u) Beverage store
- (v) Florist shop
- (w) Duplication service
- (x) Retail stores and shops other than listed

(4) The undersigned and their successors or assigns do hereby agree that no more than ten percent (10%) of those buildings receiving Certificates of Occupancy will be used for other than those uses authorized in an Office-2 (O-2) District under the Comprehensive Zoning Ordinance of the City of Dallas, as presently existing or as it may be hereinafter amended. Although unused allocation of space to other than Office-2 (O-2) District uses may be carried into subsequent phases of development, no more than ten percent (10%) of the authorized area to be constructed will be developed in other than Office-2 (O-2) District uses.

(5) The undersigned and their successors and assigns do hereby agree that no more than one (1) detached sign of 1,000 square feet, two (2) detached signs of 750 square feet each, three (3) detached signs of 400 square feet each, and two (2) detached signs of 200 square feet each will be constructed and that all signs will comply with the sign provisions of Chapter 41 of the Dallas City Code.

(6) If construction has not begun within eighteen (18) months after the passage of an ordinance effecting a Light Commercial Zoning designation on the property, the City Plan Commission, of its own initiative, may authorize a hearing to determine proper zoning on the property. If an Office-2 (O-2) District is

or any subsequent successor to title agrees to support this recommendation before the City Council.

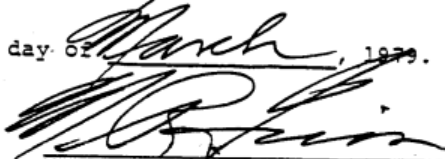
These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

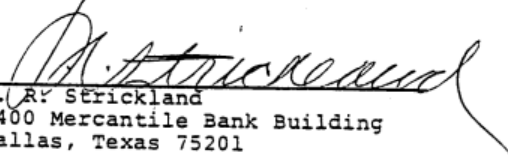
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas.

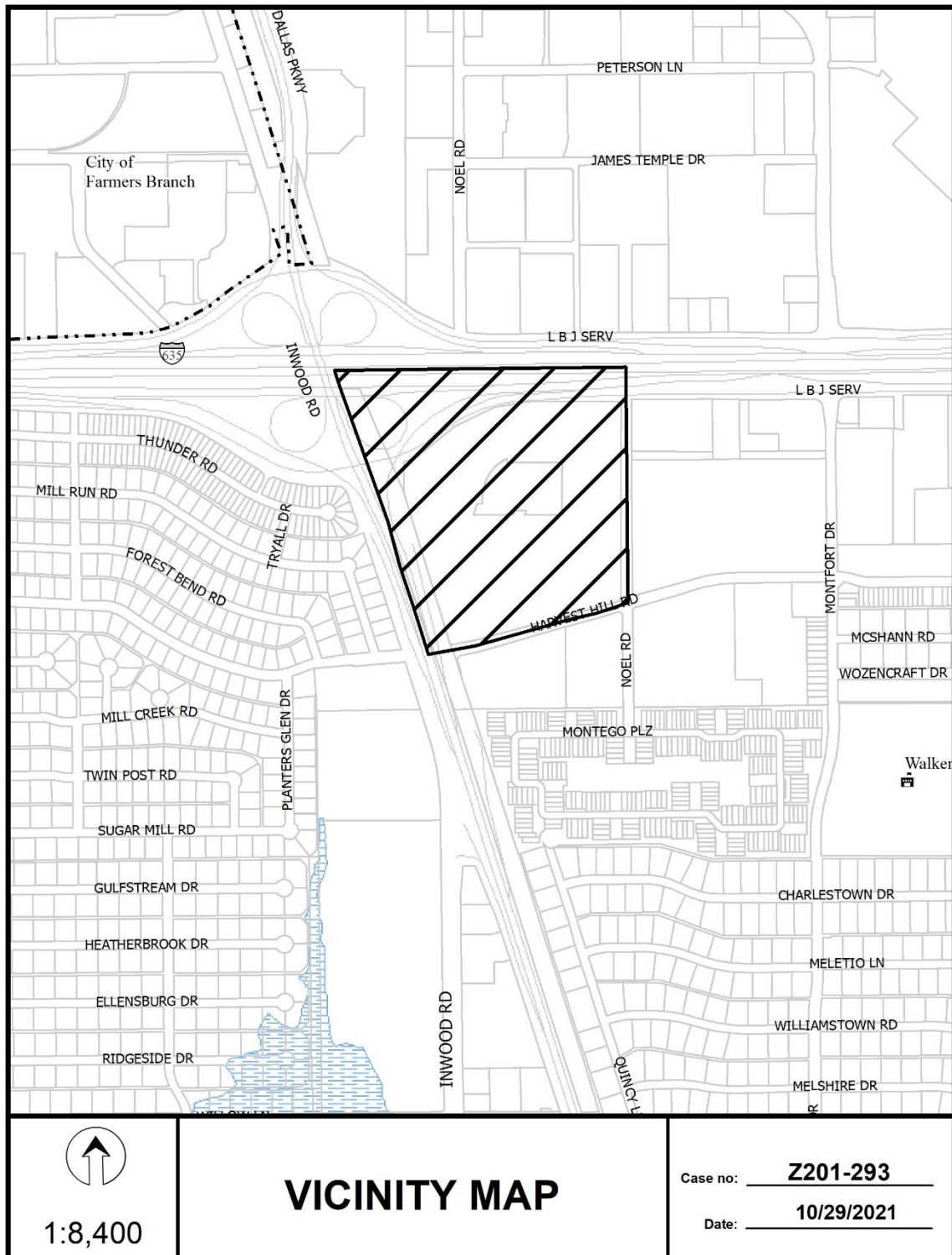
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned. These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does hereby 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 all persons acquiring within the above described tract, and any person by acceptance of title to any of the above described properties shall thereby agree and covenant to abide and fully perform the foregoing restrictions and covenants.

EXECUTED this 8th day of March, 1939.

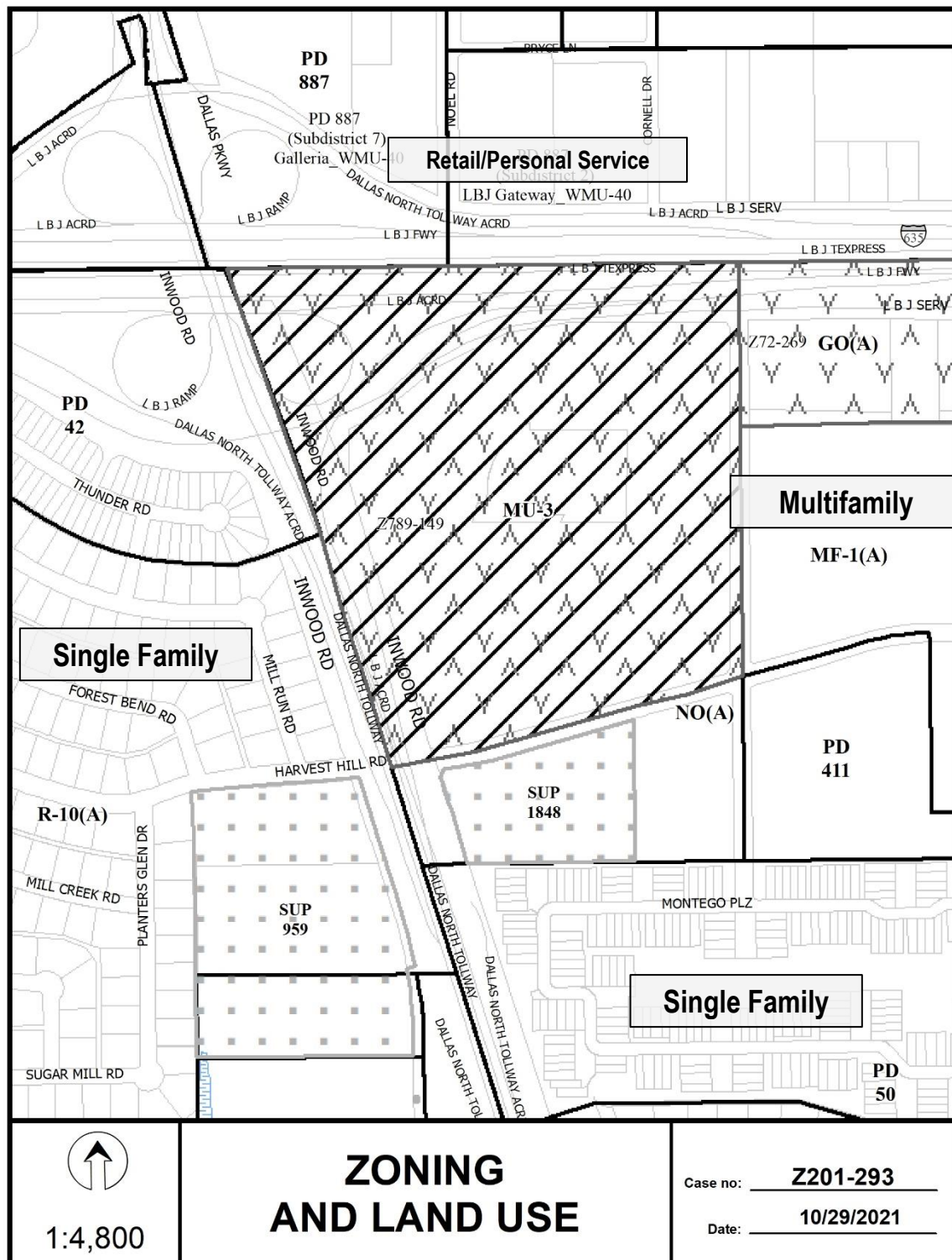
  
M. R. Irion  
830 Mercantile Bank Building  
Dallas, Texas 75201

  
L. R. Strickland  
2400 Mercantile Bank Building  
Dallas, Texas 75201

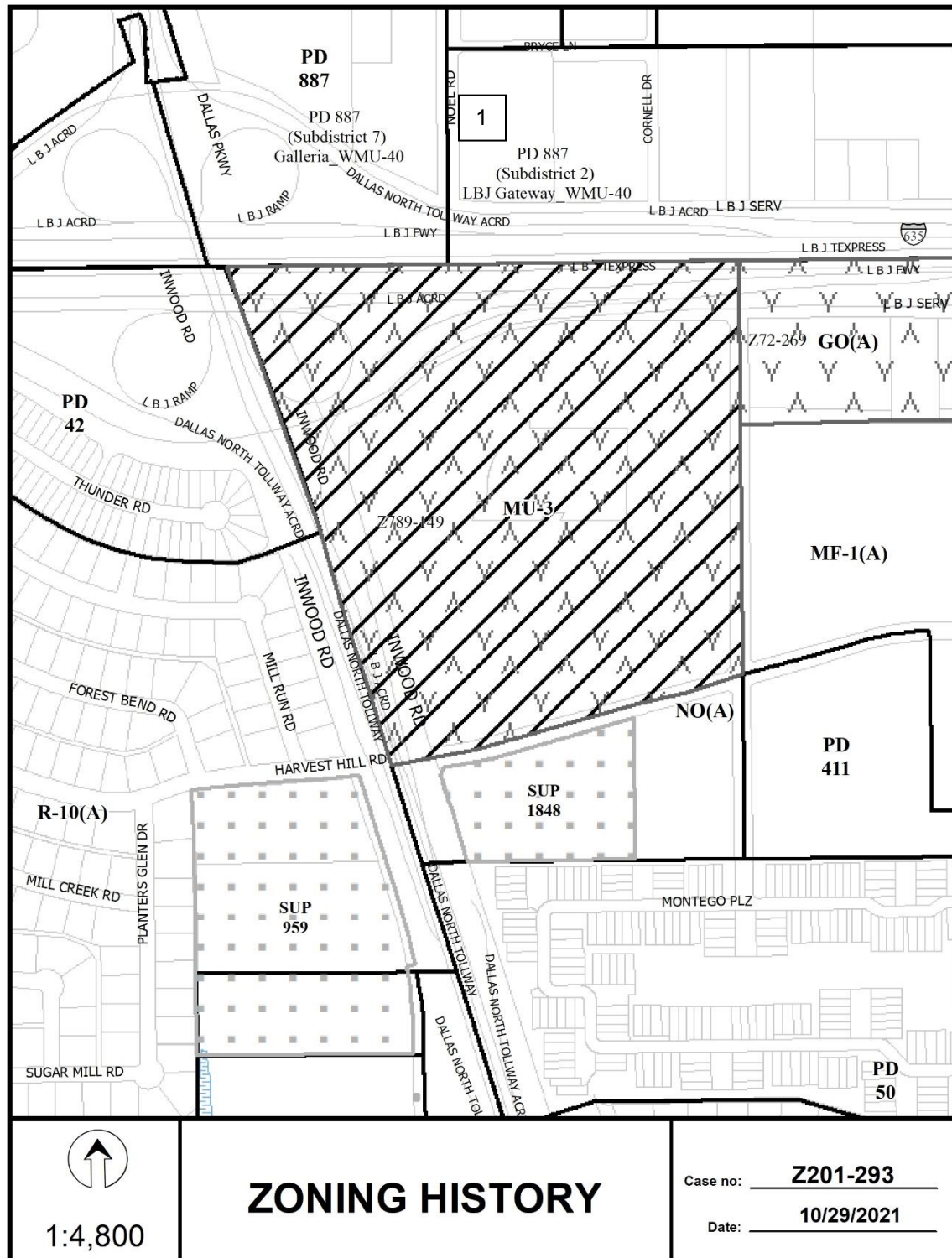




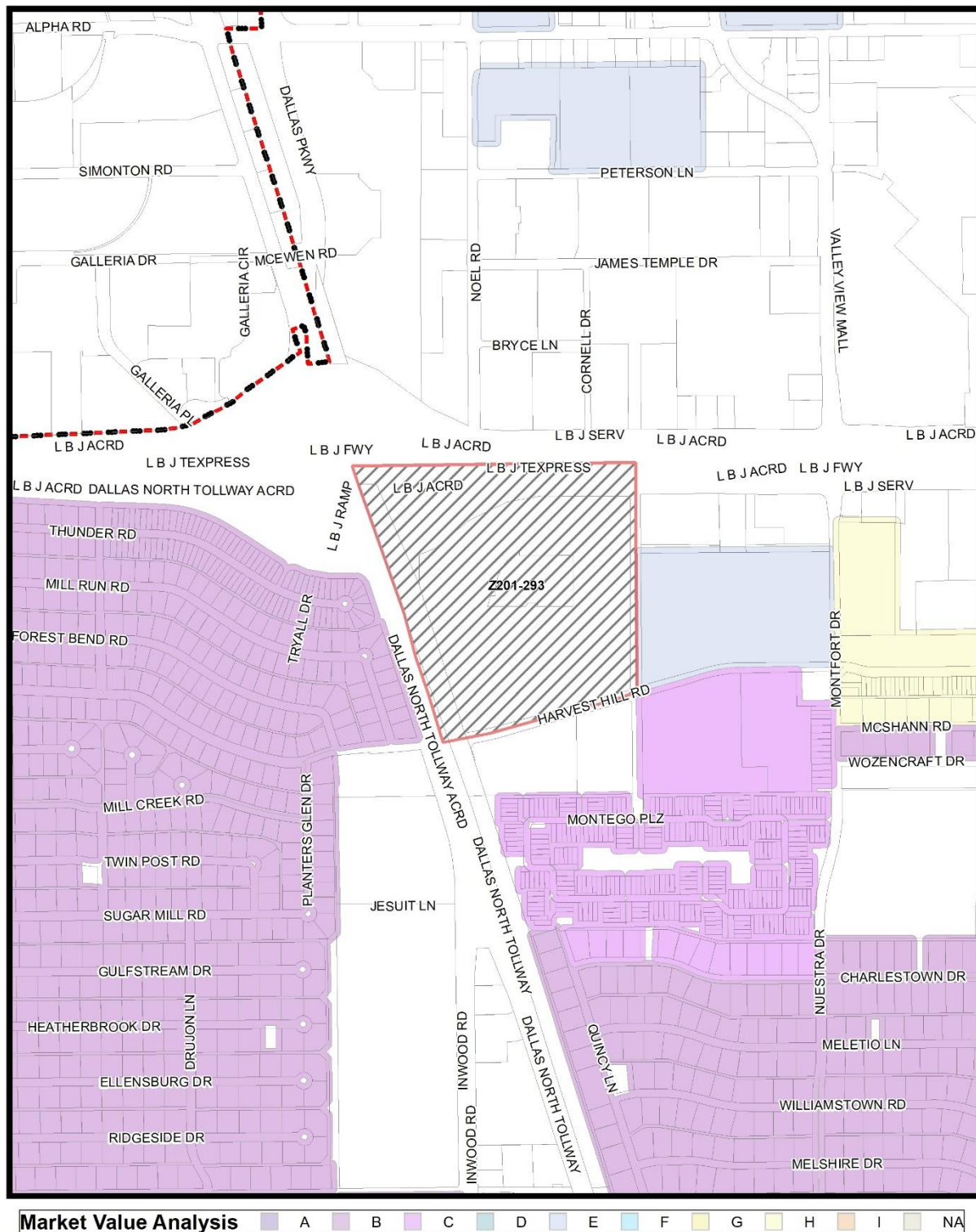








Z201-293(CT)



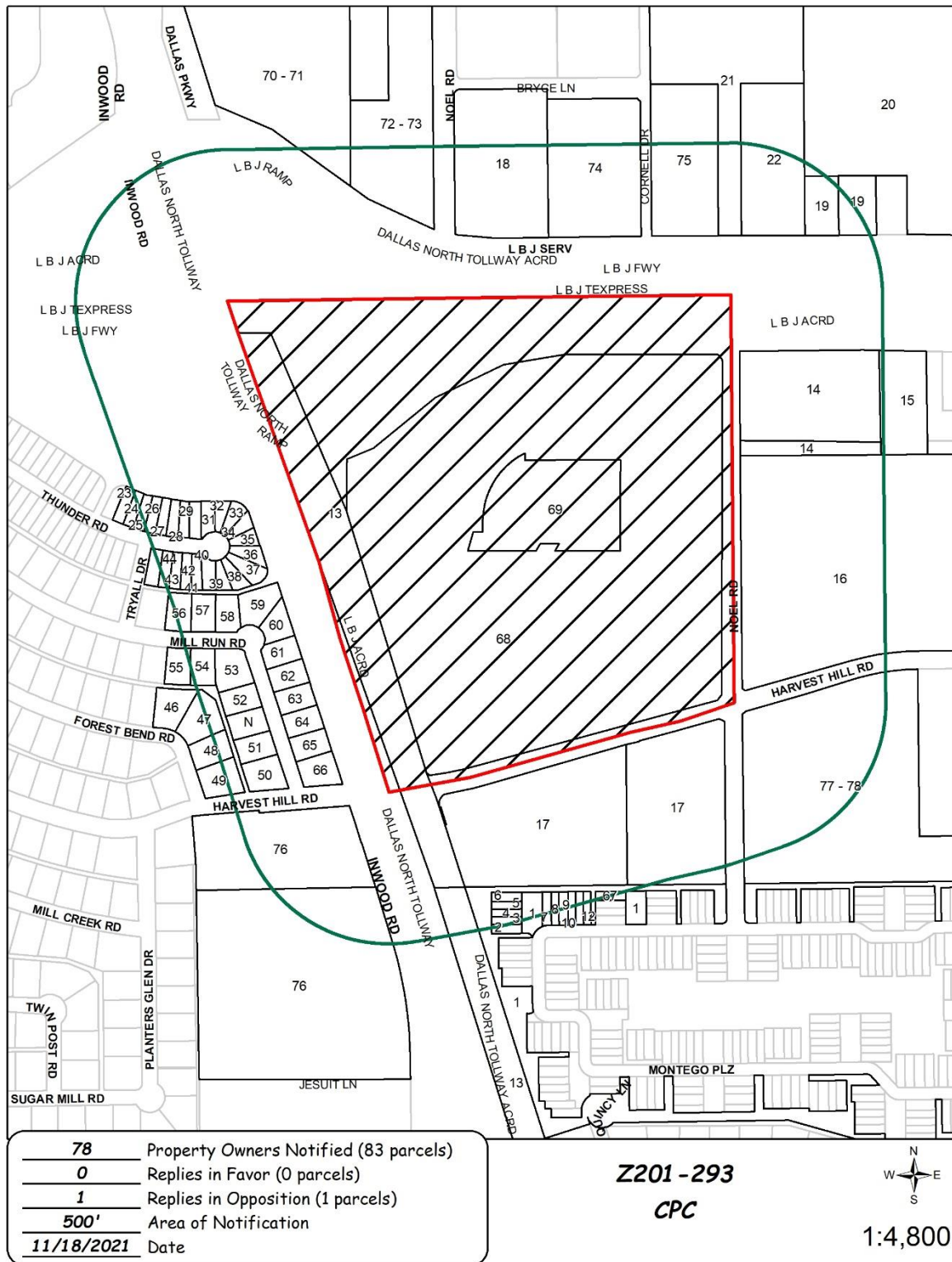
1:8,400

## Market Value Analysis

Printed Date: 10/29/2021



CPC RESPONSES



11/17/2021

***Reply List of Property Owners******Z201-293******78 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	900001 NO NAME ST	PRESTON SQUARE INC
	2	12533 MONTEGO PLAZA	DUNKERLEY DORIS J
	3	12535 MONTEGO PLAZA	LORENTE MARIA E
	4	12537 MONTEGO PLAZA	BOSSHART PATRICK W
	5	12539 MONTEGO PLAZA	JACKSON BETTY JANE
	6	12541 MONTEGO PLAZA	DAVIS CHAD &
	7	12551 MONTEGO PLAZA	KENNER BEVERLY G
	8	12553 MONTEGO PLAZA	SCHWARZ CLAIRE COLLINS
	9	12555 MONTEGO PLAZA	JONES NATHANIEL P & TAYLOR A
	10	12557 MONTEGO PLAZA	DUNKERLEY JOHN S & JANET KAY
X	11	12559 MONTEGO PLAZA	BESELER HEATHER
	12	12561 MONTEGO PLAZA	LING QINGLAN & CORTEZ ROLANDO
	13	12200 DALLAS PKWY	ONCOR ELECR TIC DELIVERY COMPANY
	14	13100 NOEL RD	5580 LBJ LLC
	15	5550 LBJ FWY	BOLOUR MEHDI TRUSTEE
	16	5575 HARVEST HILL RD	PLAZA HILL INVESTORS LP
	17	5310 HARVEST HILL RD	BPRE TOLL HILL HOLDINGS LP
	18	5327 LBJ FWY	HAZEL DALLAS APARTMENTS LLC
	19	5539 LBJ FWY	NAYEB FAMILY LP
	20	13131 MONTFORT DR	DAYTON HUDSON CORP
	21	5501 LBJ FWY	TR LBJ CAMPUS
	22	5525 LBJ FWY	Taxpayer at
	23	4991 THUNDER RD	ZEROM HENOK
	24	4993 THUNDER RD	AGINSKIY ARTEM K &
	25	4995 THUNDER RD	SANTOYO JUAN M &
	26	5005 THUNDER RD	WAYS ARTHUR A

11/17/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5011	THUNDER RD	WAYS ARTHUR A JR II
28	5015	THUNDER RD	STANLEY WRIGHT A III
29	5021	THUNDER RD	COOK ROBERT R
30	5029	THUNDER RD	FULGHAM MICHON ELISE W
31	5031	THUNDER RD	STRAFFON CHRISTIAN & LISA M
32	5033	THUNDER RD	ROSE W PROPERTIES LLC SERIES XI
33	5035	THUNDER RD	ROSE W PROPERTIES LLC SERIES XII
34	5041	THUNDER RD	SHIRI AMOS AMIT
35	5045	THUNDER RD	MELERO MARCO &
36	5044	THUNDER RD	MARECHAL JOHN ELIE &
37	5040	THUNDER RD	JUNGMIN REALTY LLC
38	5036	THUNDER RD	EASTUS CHRISTINE
39	5032	THUNDER RD	DELOACH JOHN ANDERSON
40	5030	THUNDER RD	BATSON BARBARA A
41	5024	THUNDER RD	POMERANZ ILANA P
42	5022	THUNDER RD	BURNS SHERI L
43	5020	THUNDER RD	HEDGESTONE THUNDER LLC
44	5016	THUNDER RD	GETCHELL JOHN V
45	5010	THUNDER RD	HEDGESTONE INVESTMENTS LLC
46	5035	FOREST BEND RD	ROUBIK JEFFREY R &
47	5039	FOREST BEND RD	BAUM STUART F & ANN F
48	5045	FOREST BEND RD	VOLANTO KEITH &
49	5051	FOREST BEND RD	WASH DEREK E & REGINA M
50	5130	MILL RUN RD	BAYLAN JUDITH M
51	5124	MILL RUN RD	JONES BARRY P
52	5112	MILL RUN RD	SUNRIDER PROPERTY LLC
53	5030	MILL RUN RD	SCHULTZ BRIAN A & KRISTEN
54	5024	MILL RUN RD	BRICE CLAUDIA
55	5018	MILL RUN RD	ABADY JO ANN
56	5017	MILL RUN RD	HUMBERT CHARLES JAMES JR
57	5023	MILL RUN RD	SUN CHANG

11/17/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	5029	MILL RUN RD	TAYLOR TIMOTHY W & BAILEY B
59	5033	MILL RUN RD	Taxpayer at
60	5037	MILL RUN RD	LOMONACO JOHN J LIVING TR
61	5105	MILL RUN RD	FOU FAMILY LIVING TRUST
62	5111	MILL RUN RD	SIBLEY GEORGE P JR &
63	5117	MILL RUN RD	WOMACK LOUANN REVOCABLE TRUST
64	5123	MILL RUN RD	CAMP CAREY D &
65	5129	MILL RUN RD	ALLEE TONY MOHAMMAD KABIR
66	5135	MILL RUN RD	JIMENEZCOLBETH MARIE ANTONETTE
67	12577	MONTEGO PLAZA	BRANCH RUDOLPH E
68	5400	LBJ FWY	TEACHERS INSURANCE AND
69	5410	LBJ FWY	TREA DALLAS LINCOLN CENTER LLC
70	13350	DALLAS PKWY	GALLERIA MALL INV LP
71	13550	DALLAS PKWY	MARSHALL FIELD & CO
72	13155	NOEL RD	PIEDMONT DALLAS GALLERIA LLC
73	13255	NOEL RD	PIEDMONT DALLAS GALLERIA LLC
74	13001	CORNELL DR	DALLAS MIDTOWN VENTURE LLC
75	5429	LBJ FWY	TR LBJ CAMPUS PARTNERS LP
76	12607	INWOOD RD	SRCP RC
77	5550	HARVEST HILL RD	STERLING ACQUISITION CORP
78	5550	HARVEST HILL RD	5550 HARVEST HILL RD PROPCO LP