

**HONORABLE MAYOR AND CITY COUNCIL    WEDNESDAY, SEPTEMBER 11, 2019**  
**ACM: Majed Al-Ghafry**

**FILE NUMBER:**                    Z189-121(CY)                    **DATE FILED:** October 31, 2018

**LOCATION:**                        North side of Forest Lane, west of Greenville Avenue

**COUNCIL DISTRICT:**    10                                    **MAPSCO:**            16 Z

**SIZE OF REQUEST:**    Approx. 2.4 acres                    **CENSUS TRACT:**    78.04

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**OWNER:**                         Gamvest Texas, LLC

**APPLICANT:**                    Richard Steldt

**REPRESENTATIVE:**        Kendra Larach, Masterplan

**REQUEST:**                    An application for (1) an MU-1 Mixed Use District with deed restrictions volunteered by the applicant; and, (2) the termination of Specific Use Permit No. 742 for a nursing home use on property zoned a CR Community Retail District with Specific Use Permit No. 742.

**SUMMARY:**                    The purpose of the request is to allow for an existing convalescent and nursing homes, hospice care, and related institutions use [formerly nursing home use] by right, and to allow for its expansion. The volunteered deed restrictions would prohibit certain uses and limit the maximum allowable height.

**CPC RECOMMENDATION:**    **Approval** of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and, **approval** of the termination of Specific Use Permit No. 742 for a nursing home use.

**STAFF RECOMMENDATION:** **Approval** of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and, **approval** of the termination of Specific Use Permit No. 742 for a nursing home use.

**BACKGROUND INFORMATION:**

- Specific Use Permit No. 742 for a nursing home, was approved by City Council on October 5, 1976, for a permanent time period.
- The approximately 2.4-acre area of request is zoned a CR Community Retail District and is developed with a one-story, approximately 27,747-square-foot building containing a convalescent and nursing homes, hospice care and related institutions use that was constructed in 1977, when the site was zoned a Shopping Center District.
- With the adoption of Chapter 51A, the Dallas Development Code, the zoning district of the subject property, transitioned to a CR Community Retail District. Convalescent and nursing homes, hospice care and related institutions use is not allowed in the CR Community Retail District, which means the existing nursing home is a nonconforming use.
- The Dallas Development Code, as amended, establishes that Board of Adjustment action is required to allow the enlargement of a nonconforming use [Sec. 51A-4.704(b)(5)]
- The purpose of the request is to allow for an existing convalescent and nursing homes, hospice care and related institutions use [formerly nursing home use] by right, and to allow for a proposed building addition of approximately 10,350 square feet.
- The applicant has volunteered deed restrictions to prohibit certain uses and to limit the maximum allowed height to 54 feet.

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

- 1. Z145-166** On June 10, 2015, the City Council approved an amendment to Planned Development District No. 456 on property on the south side of Forest Lane, and the north side of Stults Road, west of Shepherd Road, southwest of the area of request.
- 2. Z156-204** On December 5, 2016, an automatic renewal of Specific Use Permit No. 1882 for an open enrollment charter school was approved on property zoned MU-3 Mixed Use District on the east line of Greenville Avenue, north of Forest Lane, east of the area of request.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
Forest Lane	Principal Arterial	90 feet	120 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**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:

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

While the Dallas Development Code, as amended, establishes that nonconforming uses should be eliminated; planning for a dynamic economic environment calls for flexible zoning regulations to accommodate new and existing development that provides for a mix in uses in close proximity should be promoted. Institutional uses such as the existing nursing home provides not only services to the Dallas residents, but also promotes a balanced generation of jobs.

**Land Use Policy Plan**

**DISTRICT 10 STRATEGIC PLAN (2006)**

Located in Northeast Dallas, north of White Rock Lake and south of Interstate 635 (LBJ), the area plan describes Council District 10 as "an attractive area known for distinct neighborhoods, respected schools, rolling terrain, the White Rock Creek Greenbelt, and mature trees. The area's access to Interstate 635, U.S. Highway 75, and DART light rail makes it a popular residential community providing neighborhoods with suburban character and in-town convenience. Historically developed as a residential community with supportive commercial, the area now includes a mixture of land uses including residential, industrial, office, and commercial".

The District 10 Strategic Plan established two focus areas, the area of request is located within Focus Area 2, which is generally bounded by I-635 [LBJ Freeway] to the north and east, properties adjacent to Forest Lane to the south, and U.S. 75 [Central Expressway]

to the west. This area is seen as ideal for the development of an Urban Neighborhood. With established multifamily, a strong employment base, access to Dallas Area Rapid Transit (DART) light rail, and redevelopment opportunities.

The area plan identifies the community north of Forest Lane, where the area of request is located, as an area comprised of residential, retail, office, and industrial uses, including a major employer, Texas Instruments [west of the area of request], a historic African American neighborhood, Hamilton Park, and the LBJ/Central DART light rail station [northwest of the area of request]. This unique mix of uses provides an opportunity to maintain community history found in District 10 as well as to develop an urban neighborhood.

The applicant's request complies with the vision of the area plan for this area as an urban neighborhood because it promotes a mix of uses while maintaining compatibility with the established residential areas.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR Community Retail District with SUP No. 742	Convalescent and nursing home, hospice care, and related institutions
<b>North</b>	MF-2(A) Multifamily District	Multifamily
<b>East</b>	CR Community Retail District	Retail and Personal Service, public library, financial institution, office, medical clinic
<b>South</b>	CR Community Retail District	Multifamily
<b>West</b>	CR Community Retail District	Retail and Personal Service

**Land Use Compatibility:**

The approximate 2.4-acre site is zoned a CR Community Retail District and is currently developed with a one-story, approximately 27,747-square-foot building containing a total of 58 semi-private units and 116 beds that, according to the Dallas Central Appraisal District, was constructed in 1977.

Research of the history of the property indicates that the zoning at the time of the construction of the existing building was a Shopping Center District, which allowed the nursing home use by Specific Use Permit.

On October 5, 1976, the City Council approved Specific Use Permit No. 742 for a nursing home use for a permanent time period. Two minor amendments of the SUP Site plan

were approved, one on June 1988 and the second one on December 1988. There are no records of any amendments to the SUP conditions.

In 1989, when Chapter 51A, the Dallas Development Code, was adopted, the zoning district of the subject property transitioned to a CR Community Retail District which made the nursing home use nonconforming<sup>1</sup>.

The purpose of requesting an MU-1 Mixed Use District and the termination of Specific Use Permit No. 742, is to allow for the existing convalescent and nursing homes, hospice care and related institutions use by right, and to allow for a proposed building addition of approximately 10,350 square feet. While the proposed addition will not increase the number of beds, it will increase the number of units to 74 to provide for 16 new ADA private rooms. The addition will also provide for a physical therapy wing, centralized offices, an archive and patient records room, and ADA accessible restrooms for staff and visitors.

The Dallas Development Code, as amended, establishes that Board of Adjustment action is required to allow for the enlargement of a nonconforming use [Sec. 51A-4.704(b)(5)]. The Code also indicates that the board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement: 1) does not prolong the life of the nonconforming use, 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

While the existing nursing home may comply with two of the three above conditions, the proposed building addition to allow for the conversion of semi-private rooms to private rooms may be foreseen as to prolong the life of the nonconforming use. Considering that all three conditions have to be met in order for the Board of Adjustment to allow for the enlargement of the nonconforming use, the applicant is instead requesting a zoning change that allows the use by right.

Uses surrounding the area of request include a mix of residential and nonresidential uses. The property to the north, directly adjacent to the site, is a large tract of land zoned MF-2(A) Multifamily District and developed with a multifamily use. Properties to the east, along Forest Lane and extending to Greenville Avenue, are zoned CR Community Retail and contain a financial institution, office, medical clinic, retail and personal service uses, and a public library [Forest Green Branch Library]. To the southeast, across Forest Lane, there are three contiguous auto service center uses, and to the south, there is a nonconforming multifamily use, all within in a CR Community Retail District. A medical clinic use is located to the southwest of the area of request also within a CR district.

Adjacent to the west boundary of the subject site, is a one-story retail center containing, retail and personal service uses. The Texas Instruments headquarters are located further west of the area of request in a large tract of land zoned IR Industrial Research District.

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<sup>1</sup> With the adoption of Chapter 51A, the nursing home use was also renamed to convalescent and nursing homes, hospice care and related institutions use.

Single family uses are found further to the southwest at the corner of Forest Lane and Shepherd Road in an R-7.5(A) District.

The existing convalescent and nursing homes, hospice care and related institutions use has been operating at this location since 1977 and became nonconforming in 1989, with the adoption of Chapter 51A.

It is staff's opinion that the applicant's request for an MU-1 Mixed Use District and the termination of Specific Use Permit No. 742, will not have a negative impact in the surrounding area. Furthermore, the zoning change is consistent with the Comprehensive Plan that envisions the area as an urban mixed-use neighborhood. Additionally, the deed restrictions volunteered by the applicant to prohibit certain uses and to limit the maximum height to the maximum height currently allowed in the existing zoning [54 feet], increases the compatibility of the proposed district.

### **Development Standards.**

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Minimum Lot Size	Special Standards	Primary Uses
	Front	Side/Rear						
Existing CR	15'	20' When adjacent to res. Other, no min,	No maximum	54'	60%	No min.	RPS Visual intrusion	Retail and personal service & office
Proposed MU-1	15' (Urban setback)	20' When adjacent to res. Other, no min. (Tower spacing)	Base: 15 units/acre MUP(2): 20 units/acre; MUP(3): 25 units/acre	*54'	80%	No min.	RPS U-form setback, Tower spacing, Visual intrusion	**Office, retail and personal service, lodging, residential.

\* limited to 54 feet per volunteered deed restrictions. MU-1 allows for a max. base height of 80 feet.

\*\* with certain uses prohibited per volunteered deed restrictions.

### **Land Use Comparison.**

The following chart includes the list of uses allowed in the existing CR district and those allowed in the proposed MU-1 district. Uses in bold and with an asterisk are those being prohibited per the volunteered deed restrictions.

USE	CR Community Retail	MU-1 Mixed Use
<b>AGRICULTURAL USES</b>	CROP PRODUCTION	CROP PRODUCTION
<b>COMMERCIAL AND BUSINESS SERVICE USES</b>	BUILDING REPAIR AND MAINTENANCE SHOP (RAR)	
	CATERING SERVICE	CATERING SERVICE
	CUSTOM BUSINESS SERVICES	CUSTOM BUSINESS SERVICES
	ELECTRONICS SERVICE CENTER	ELECTRONICS SERVICE CENTER
		<b>*LABOR HALL (SUP)</b>
	MEDICAL OR SCIENTIFIC LABORATORY (SUP)	MEDICAL OR SCIENTIFIC LABORATORY (SUP)
	TOOL OR EQUIPMENT RENTAL	
<b>INDUSTRIAL USES</b>	GAS DRILLING AND PRODUCTION (SUP)	GAS DRILLING AND PRODUCTION (SUP)
	TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)	<b>*TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)</b>
<b>INSTITUTIONAL AND COMMUNITY SERVICE USES</b>	ADULT DAY CARE FACILITY	ADULT DAY CARE FACILITY
	CEMETERY OR MAUSOLEUM (SUP)	CEMETERY OR MAUSOLEUM (SUP)
	CHILD-CARE FACILITY	CHILD-CARE FACILITY
	CHURCH	CHURCH
	COLLEGE, UNIVERSITY OR SEMINARY	COLLEGE, UNIVERSITY OR SEMINARY
	COMMUNITY SERVICE CENTER (SUP)	^
		CONVALECENT AND NURSING HOMES, HOSPICE CARE AND RELATED INSTITUTIONS (RAR)
	CONVENT OR MONASTERY (SUP)	<b>*CONVENT OR MONASTERY</b>
		<b>*FOSTER HOME</b>
	HOSPITAL (SUP)	HOSPITAL (SUP)
	LIBRARY, ART GALLERY OR MUSEUM	LIBRARY, ART GALLERY OR MUSEUM
	OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL (SUP)	OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL (SUP)
	PUBLIC SCHOOL OTHER THAN AN OPEN-ENROLLMENT CHARTER SCHOOL (RAR)	PUBLIC SCHOOL OTHER THAN AN OPEN-ENROLLMENT CHARTER SCHOOL (RAR)
<b>LODGING USES</b>		<b>*EXTENDED STAY HOTEL OR MOTEL (SUP)</b>
	HOTEL AND MOTEL (SUP)	<b>*HOTEL OR MOTEL (RAR) or (SUP)</b>
	LODGING OR BOARDING HOUSE (SUP)	
	OVERNIGHT GENERAL PURPOSE SHELTER	

USE	CR Community Retail	MU-1 Mixed Use
MISCELLANEOUS USES	ATTACHED NON-PREMISE SIGN (SUP)	ATTACHED NON-PREMISE SIGN (SUP)
	CARNIVAL OR CIRCUS (TEMPORARY) (By special authorization of the BO)	<b>*CARNIVAL OR CIRCUS (TEMPORARY) (By special authorization of the BO)</b>
	TEMPORARY CONSTRUCTION OR SALES OFFICE	TEMPORARY CONSTRUCTION OR SALES OFFICE
OFFICE USES	ALTERNATIVE FINANCIAL ESTABLISHMENT (SUP)	
	FINANCIAL INSTITUTION WITHOUT DRIVE-IN WINDOW	FINANCIAL INSTITUTION WITHOUT DRIVE-IN WINDOW
	FINANCIAL INSTITUTION WITH DRIVE-IN WINDOW (DIR)	FINANCIAL INSTITUTION WITH DRIVE-IN WINDOW (DIR)
	MEDICAL OR AMBULATORY SURGICAL CENTER	MEDICAL OR AMBULATORY SURGICAL CENTER
	OFFICE	OFFICE
RECREATION USES	COUNTRY CLUB WITH PRIVATE MEMBERSHIP	COUNTRY CLUB WITH PRIVATE MEMBERSHIP
	PRIVATE RECREATION CENTER, CLUB OR AREA	PRIVATE RECREATION CENTER, CLUB OR AREA
	PUBLIC PARK, PLAYGROUND OR GOLF COURSE	PUBLIC PARK, PLAYGROUND OR GOLF COURSE
RESIDENTIAL USES	COLLEGE DORMITORY, FRATERNITY OR SORORITY HOUSE	COLLEGE DORMITORY, FRATERNITY OR SORORITY HOUSE
		<b>*DUPLEX</b>
		<b>*GROUP RESIDENTIAL FACILITY</b>
		<b>*HANDICAPPED GROUP DWELLING</b>
		MULTIFAMILY
		<b>*RESIDENTIAL HOTEL</b>
		<b>*RETIREMENT HOUSING</b>
		<b>*SINGLE FAMILY</b>
RETAIL AND PERSONAL SERVICE USES	ALCOHOLIC BEVERAGE ESTABLISHMENT	<b>*ALCOHOLIC BEVERAGE ESTABLISHMENT</b>
	AMBULANCE SERVICE (RAR)	
	ANIMAL SHELTER OR CLINIC WITHOUT OUTSIDE RUNS (RAR)	ANIMAL SHELTER OR CLINIC WITHOUT OUTSIDE RUNS (RAR)
	AUTO SERVICE CENTER (RAR)	<b>*AUTO SERVICE CENTER (RAR)</b>
	BUSINESS SCHOOL	BUSINESS SCHOOL
	CAR WASH (DIR)	CAR WASH (RAR)
	COMMERCIAL AMUSEMENT (INSIDE) (SUP may be required)	<b>*COMMERCIAL AMUSEMENT (INSIDE) (SUP may be required)</b>
	COMMERCIAL AMUSEMENT (OUTSIDE) (SUP)	COMMERCIAL AMUSEMENT (OUTSIDE) (SUP)
	COMMERCIAL PARKING LOT OR GARAGE (RAR)	COMMERCIAL PARKING LOT OR GARAGE (RAR)



USE	CR Community Retail	MU-1 Mixed Use
<b>RETAIL AND PERSONAL SERVICE USES</b>	CONVENIENCE STORE WITH DRIVE-THROUGH (SUP)	
	DRY CLEANING OR LAUNDRY STORE	DRY CLEANING OR LAUNDRY STORE
	FURNITURE STORE	FURNITURE STORE
	GENERAL MERCHANDISE OR FOOD STORE 3,500 SQUARE FEET OR LESS	<b>*GENERAL MERCHANDISE OR FOOD STORE 3,500 SQUARE FEET OR LESS</b>
	GENERAL MERCHANDISE OR FOOD STORE GREATER THAN 3,500 SQUARE FEET	<b>*GENERAL MERCHANDISE OR FOOD STORE GREATER THAN 3,500 SQUARE FEET</b>
	GENERAL MERCHANDISE OR FOOD STORE 100,000 SQUARE FEET OR MORE (SUP)	<b>*GENERAL MERCHANDISE OR FOOD STORE 100,000 SQUARE FEET OR MORE (SUP)</b>
	HOME IMPROVEMENT CENTER, LUMBER, BRICK OR BUILDING MATERIALS SALES YARD (DIR)	
	HOUSEHOLD EQUIPMENT AND APPLIANCE REPAIR.	
	LIQUOR STORE	
	MORTUARY, FUNERAL HOME OR COMMERCIAL WEDDING CHAPEL	MORTUARY, FUNERAL HOME OR COMMERCIAL WEDDING CHAPEL
	MOTOR VEHICLE FUELING STATION	MOTOR VEHICLE FUELING STATION
	NURSERY, GARDEN SHOP OR PLANT SALES.	NURSERY, GARDEN SHOP OR PLANT SALES.
	PARAPHERNALIA SHOP (SUP)	<b>*PARAPHERNALIA SHOP (SUP)</b>
	PAWN SHOP	
	PERSONAL SERVICE USES	PERSONAL SERVICE USES
	RESTAURANT WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE (RAR)	RESTAURANT WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE (RAR)
	RESTAURANT WITH DRIVE-IN OR DRIVE-THROUGH SERVICE (DIR)	RESTAURANT WITH DRIVE-IN OR DRIVE-THROUGH SERVICE (DIR)
	SWAP OR BUY SHOP (SUP)	<b>*SWAP OR BUY SHOP (SUP)</b>
	TEMPORARY RETAIL USE	<b>*TEMPORARY RETAIL USE</b>
	THEATER	THEATER
<b>TRANSPORTATION USES</b>	TRANSIT PASSENGER SHELTER	TRANSIT PASSENGER SHELTER
	TRANSIT PASSENGER STATION OR TRANSFER CENTER (SUP)	TRANSIT PASSENGER STATION OR TRANSFER CENTER (By SUP or City Council Resolution)

USE	CR Community Retail	MU-1 Mixed Use
UTILITY AND PUBLIC SERVICE USES	COMMERCIAL RADIO OR TELEVISION TRANSMITTING STATION	COMMERCIAL RADIO OR TELEVISION TRANSMITTING STATION
	ELECTRICAL SUBSTATION	ELECTRICAL SUBSTATION
	LOCAL UTILITIES (SUP or RAR may be required)	LOCAL UTILITIES (SUP or RAR may be required)
	POLICE OR FIRE STATION	POLICE OR FIRE STATION
	POST OFFICE	POST OFFICE
	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)
	TOWER/ANTENNA FOR CELLULAR COMMUNICATION	TOWER/ANTENNA FOR CELLULAR COMMUNICATION
	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)
WHOLESALE, DISTRIBUTION AND STORAGE USES	MINI-WAREHOUSE	*MINI-WAREHOUSE (SUP)
	RECYCLING BUY-BACK CENTER	*RECYCLING BUY-BACK CENTER
	RECYCLING COLLECTION CENTER	*RECYCLING COLLECTION CENTER
	RECYCLING DROP-OFF CONTAINER	RECYCLING DROP-OFF CONTAINER
	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION

### **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. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the north and south.

### **Parking:**

The existing SUP conditions require that one parking space be provided for each six beds, plus one space for each employee position. At this ratio, a total of 19 spaces was required for the bed count,  $[116 \text{ beds} / 6 \text{ beds} = 19.3 \sim 19 \text{ spaces}]$ . There are no records that indicate the number of employees for which parking had to be provided under the SUP conditions; however, the approved SUP site plan, and the most recent certificate of occupancy issued for the use in 2005, indicates that 49 spaces were provided.

With the approval of the termination of the Specific Use Permit and the proposed zoning change to a MU-1 District, the parking regulations in Section 51A-4.200 containing the

specific off-street parking requirements for each use would become applicable to the existing convalescent and nursing homes, hospice care and related institutions use.

The code indicates that for this use, 0.3 parking spaces per bed must be provided. Since the number of beds will remain unchanged, at this ratio, a total of 35 off-street parking spaces will be required [116 beds x 0.3 space/bed =34.8 ~35 spaces]. According to the applicant, with the proposed building additions, the parking spaces provided will be 47, providing for a surplus of 12 spaces.

**Landscaping:**

At the time of permitting, compliance with Article X of the Dallas Development Code, as amended, will be required due to the proposed building addition.

**CPC Action**  
**August 1, 2019**

**Motion:** It was moved to recommend 1) **approval** of an MU-1 Mixed Use District, subject to revised deed restrictions volunteered by the applicant to include: 1) commercial amusement (inside) , 2) general merchandise or food store 3,500 sq. ft. or less, 3) general merchandise or food store greater than 3,500 sq. ft., and 4) temporary retail use; and 2) **approval** of the termination of Specific Use Permit No. 742 for a nursing home use on property zoned a CR Community Retail District with Specific Use Permit No. 742, on the north side of Forest Lane, west of Greenville Avenue.

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

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 300 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** For: Kendra Larach, 900 Jackson St., Dallas, TX, 75202  
Against: None

**LIST OF PARTNERS / PRINCIPALS / OFFICERS**

**Gamvest Texas, LLC**

Gamvest Limited Partnership	Owner
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**Gamvest Limited Partnership**

Gamvest Corporation	General Partner
Denny Gamble, Jr.	Limited Partner
Denny Gamble, III	Limited Partner
Katherine Gamble Zimmerman	Limited Partner
Elizabeth Gamble Michaels	Limited Partner
Jonathan Gamble	Limited Partner.

**Gamvest Corporation**

Denny Gamble, Jr.  
Denny Gamble, III  
Jonathan Gamble

**VOLUNTEERED DEED RESTRICTIONS**

DEED RESTRICTIONS

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

I.

The undersigned, Gamvest Texas, LLC , a Texas limited liability company ("the Owner"), is the owner of the following described property ("the Property"), being all of the J.E. Smith Addition No. 4, City Block 4/8410 City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Seymour Realty, LLC , by deed dated June 29, 2018 and recorded in Instrument # 201800176924 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

*Lot 4, City Block 4/8410*

II.

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

1. The following uses are prohibited:
  - a. Labor hall.
  - b. Temporary concrete or asphalt batching plant.
  - c. Convent or monastery.
  - d. Foster home.
  - e. All lodging uses.
  - f. Carnival or circus (temporary).
  - g. Duplex.
  - h. Group residential facility.
  - i. Handicapped group dwelling.
  - j. Residential hotel.
  - k. Retirement housing.
  - l. Single family.

- m. Alcoholic beverage establishments.
- n. Auto service center.
- o. Commercial Amusement (Inside).
- p. General merchandise or food store 3,500 square feet or less.
- q. General merchandise or food store greater than 3,500 square feet.
- r. General merchandise or food store 100,000 square feet or more.
- s. Paraphernalia shop.
- t. Swap or buy shop.
- u. Temporary retail use.
- v. Mini warehouse.
- w. Recycling buy-back center.
- x. Recycling collection center.

2. Unless further restricted by Section 51A-4.412, "*Residential Proximity Slope*," of the Dallas Development Code, as amended, maximum structure height is 54 feet.

### 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.

**EXISTING SUP CONDITIONS**  
**(To be terminated)**

SITE PLAN: Development shall be in conformance with the City Plan Commission approved site plan which is attached to and made a part of this ordinance.

USE: The property may be used as a Nursing Home, as defined by the Comprehensive General Zoning Ordinance.

PARKING: Parking shall be provided at a ratio of one space for each six beds, plus one space for each employee position.

PAVING: All driveways, entrances, and parking areas shall have a minimum surfacing of six (6) inches compacted gravel and two (2) coats of penetration asphalt. The developer shall pay for the construction and maintenance of all such improvements, including curb and drainage structures that may be necessary.

FIRE LANES: Fire lanes shall be provided in accordance with the requirements of the Fire Department.

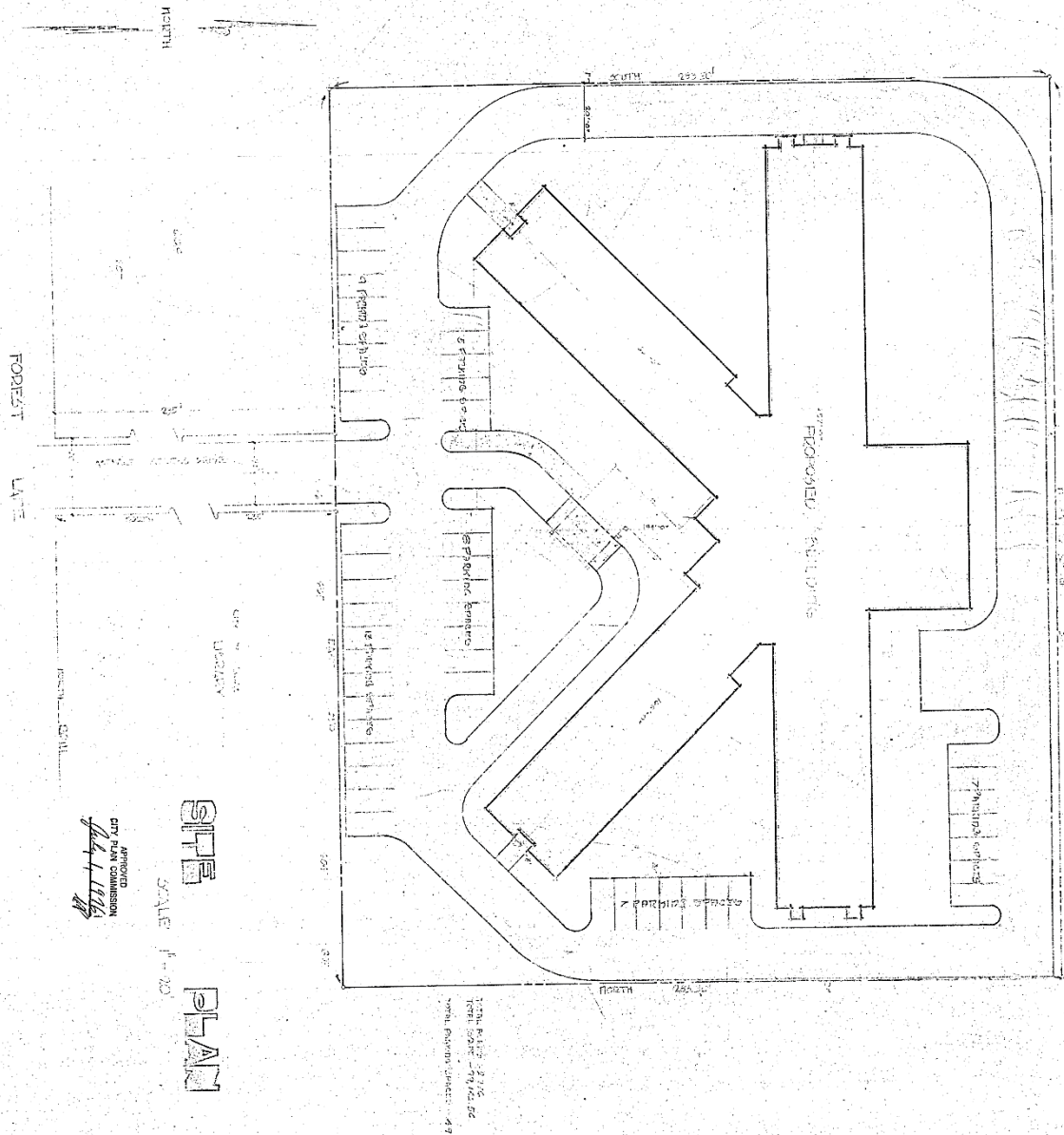
SUBDIVISION: Prior to issuance of any Building Permit, a subdivision plat shall be approved by the City Plan Commission and filed for record with the County Clerk, Dallas County, Texas.

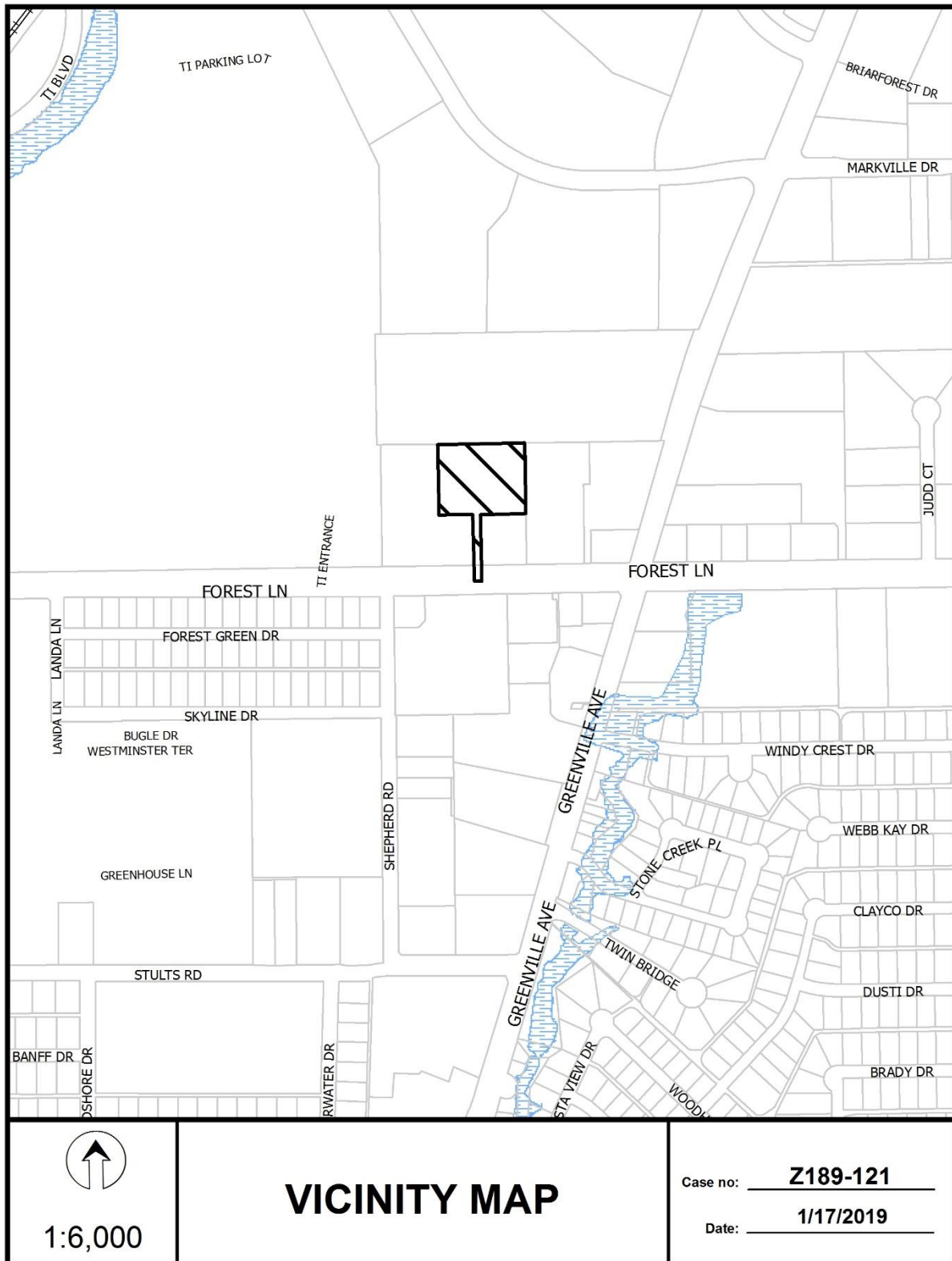
GENERAL REQUIREMENTS: Development and use of the property shall comply with the requirements of the various departments of the City of Dallas.

SIGNS: All signs shall comply with the regulations for business district signs(Article III) of Chapter 41, "Sign Standards" of the Dallas City Code. No non-premise signs shall be erected or maintained.

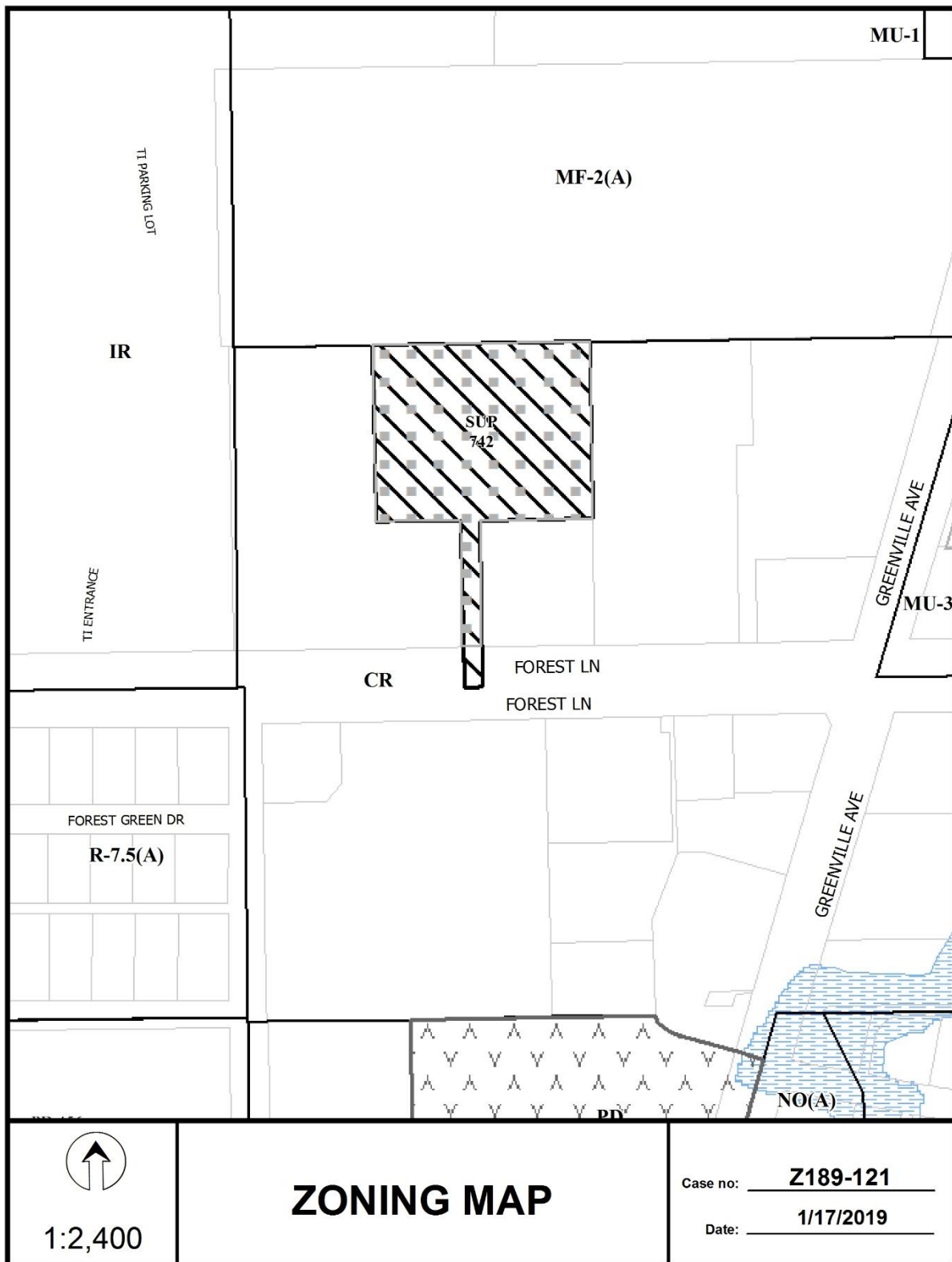


**EXISTING SUP SITE PLAN  
(To be terminated)**

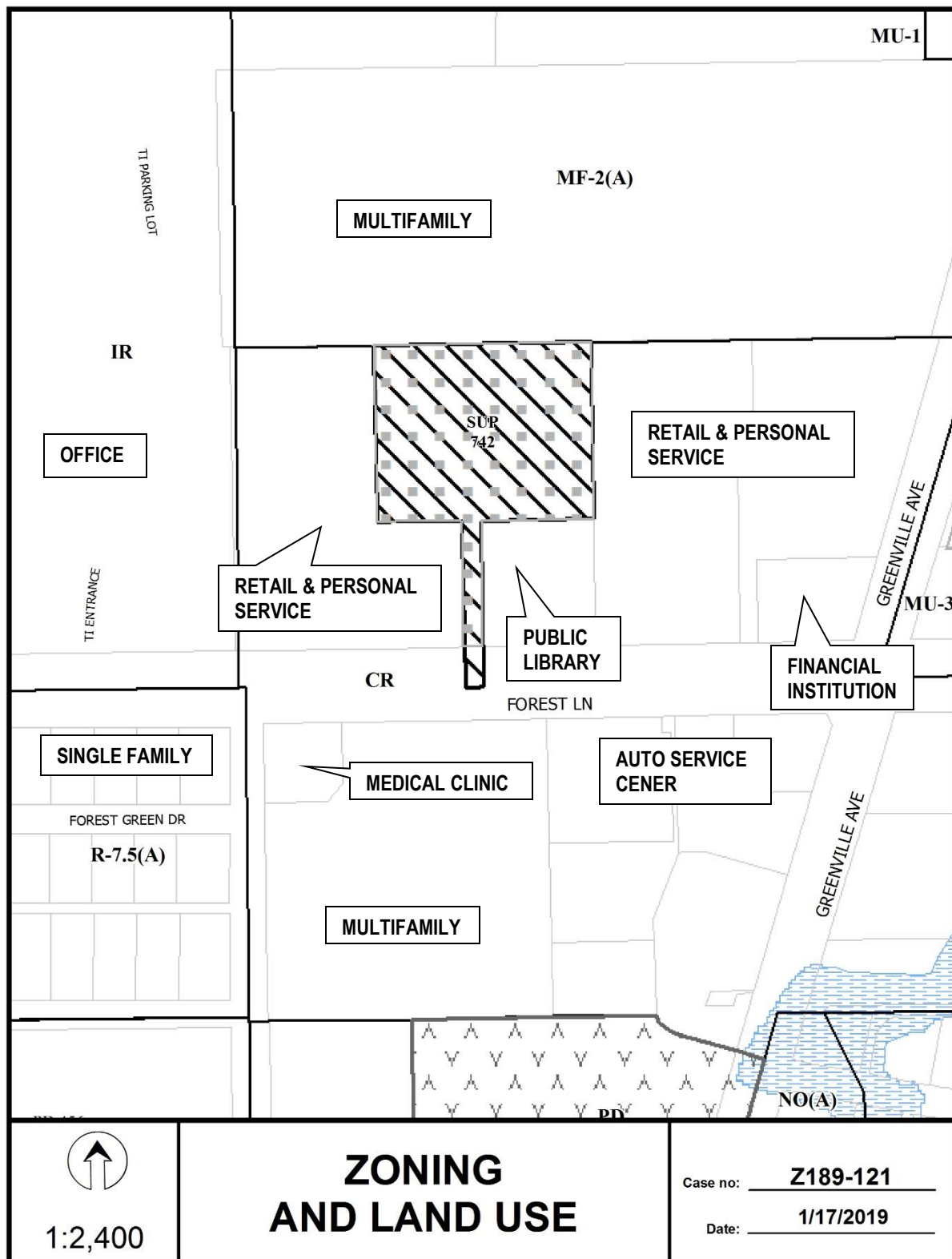


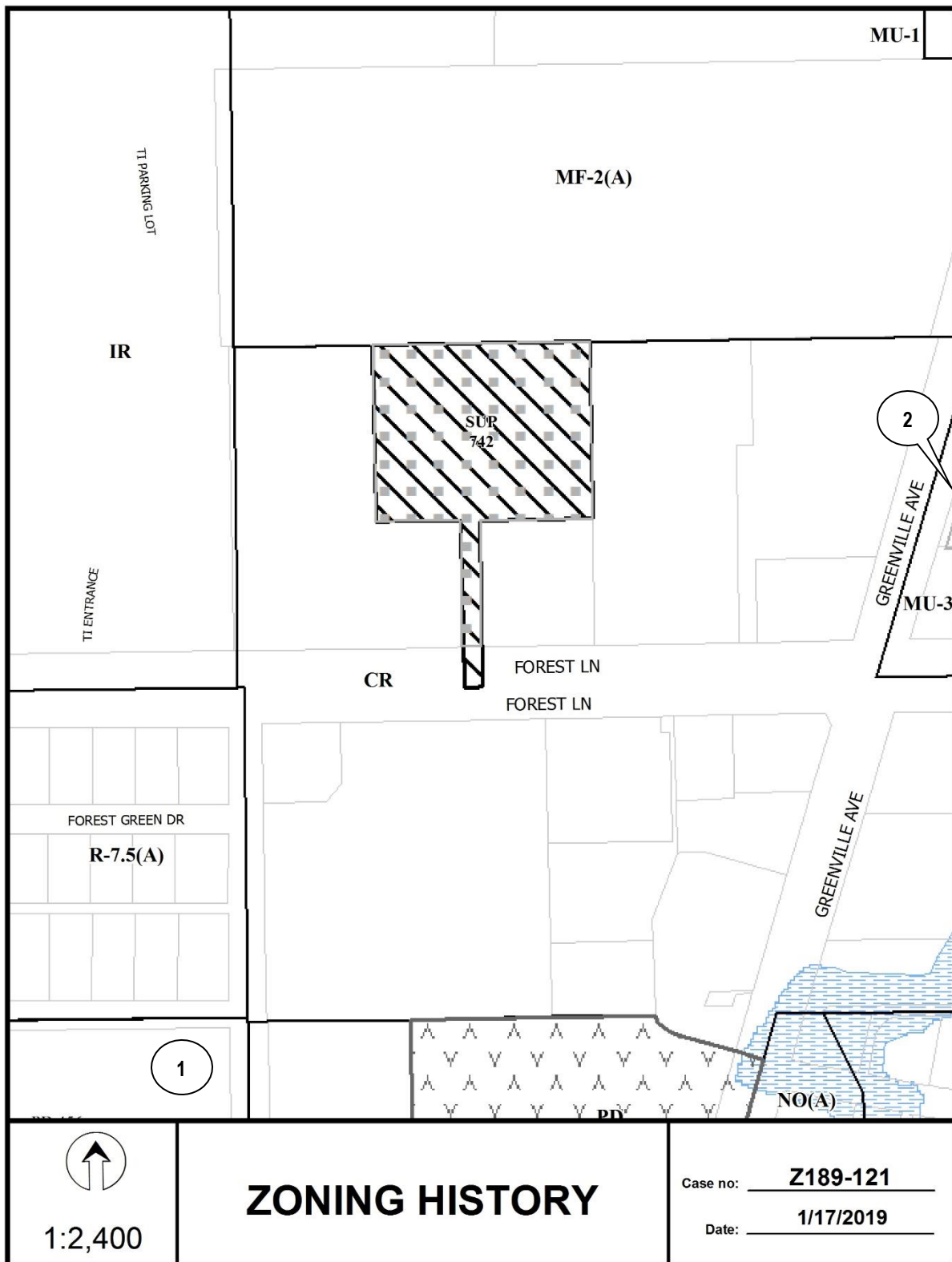


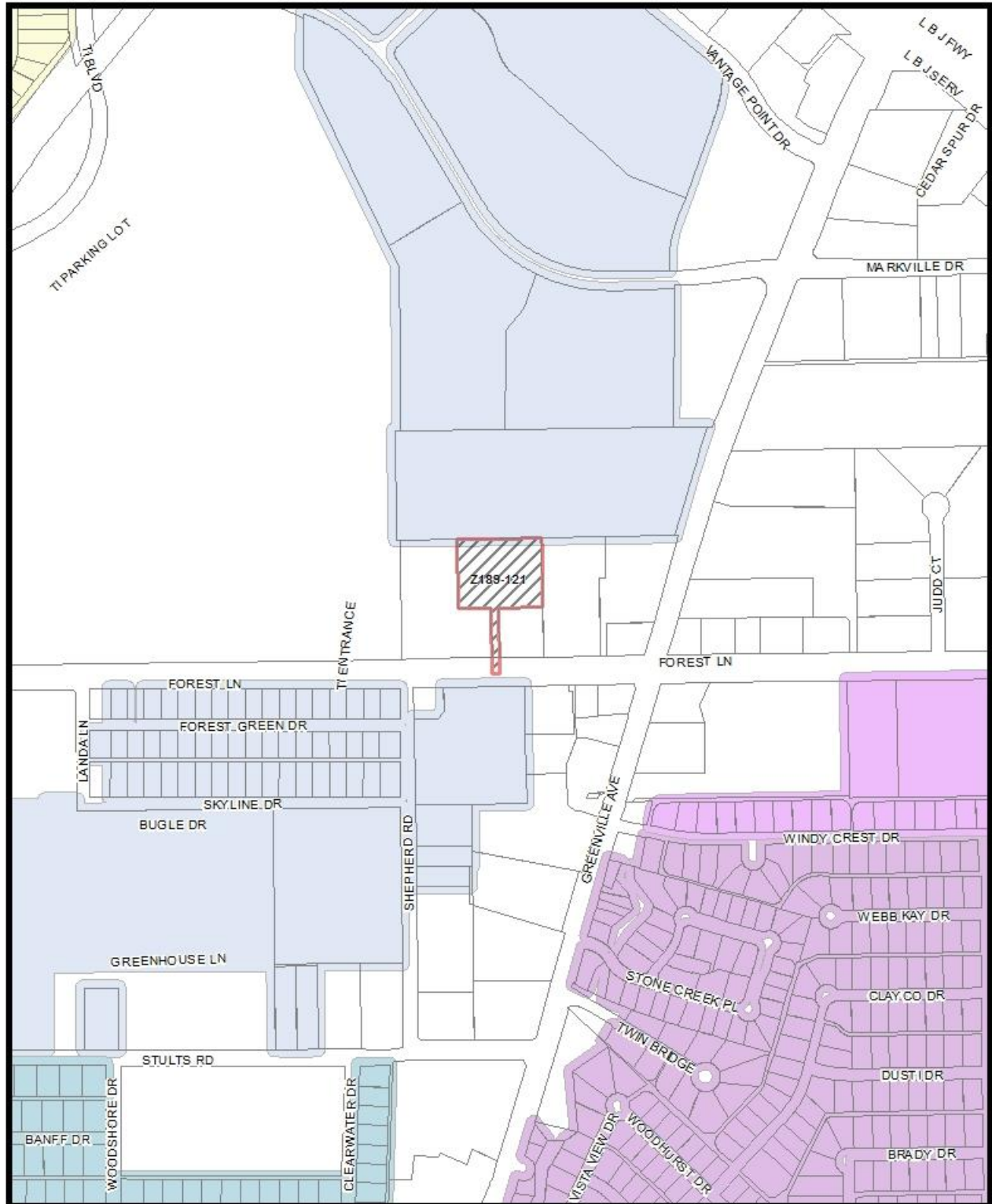












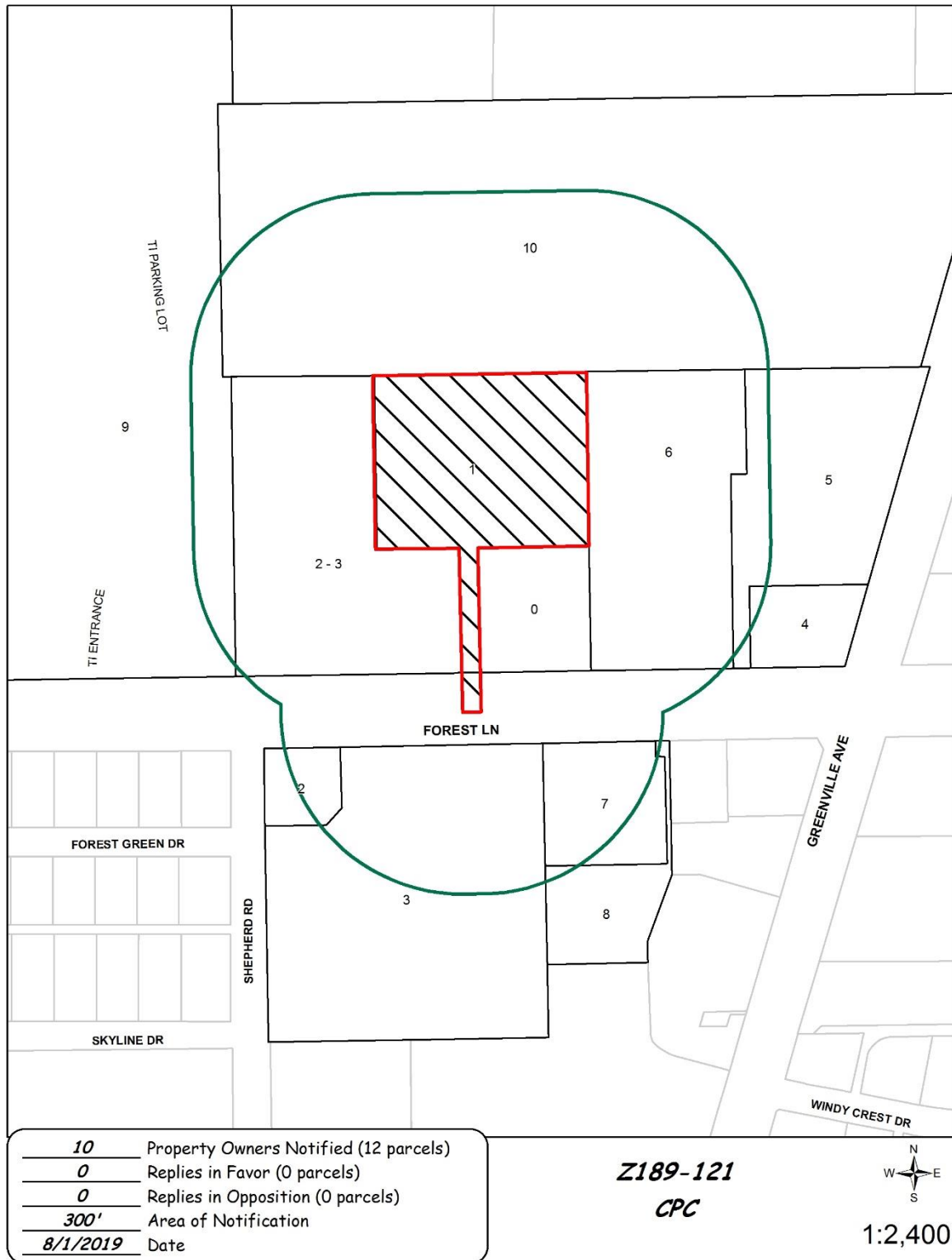
MVACcluster A B C D E F G H I NA

1:6,000

## Market Value Analysis

Printed Date: 1/25/2019

**CPC RESPONSES**





07/31/2019

***Reply List of Property Owners***

***Z189-121***

***10 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	9009 FOREST LN	SEYMOUR REALTY LLC
	2	8900 FOREST LN	ARBOREAL CREEK PROPERTIES & INVESTMENTS LLC
	3	9730 SHEPHERD RD	DALLAS HOUSING AUTHORITY
	4	9049 FOREST LN	CROWN DEVELOPMENT INC
	5	11835 GREENVILLE AVE	ROMAGAMA LLC
	6	9025 FOREST LN	CROWN DEV INC
	7	9070 FOREST LN	BFS RETAIL & COMMERCIAL
	8	9076 FOREST LN	WATTS PROPERTIES HOLDINGS LLC
	9	8507 FOREST LN	TEXAS INSTRUMENTS INC
	10	11911 GREENVILLE AVE	KAPLAN GREENVILLE AVE APT