



CITY OF DALLAS

CITY PLAN COMMISSION
Thursday, December 16, 2004

BRIEFINGS & BUS TOUR:	5ES	9:00 a.m.
PUBLIC HEARING	CC Chambers	1:30 p.m.

*The City Plan Commission may be briefed on any item on the agenda if it becomes necessary.

Theresa O'Donnell, Director
David Cossum, Assistant Director of Current Planning
David Whitley, Principal Planner

BRIEFINGS:
Subdivision Docket
Zoning Docket

PUBLIC HEARINGS:

Subdivision Docket Planner: George Campbell

Consent Agenda Preliminary Plats

- | | |
|---|--|
| <p>(1) S045-045
(CC District 6)
(Alonzo)</p> | <p>An application to plat an 8.6 acre tract of land in Blocks 4015, B/4017, C/4017 and abandoned Obenchain St. R.O.W. into 4 lots at the northwest corner of Ft. Worth Avenue and Sylvan Avenue.
<u>Applicant:</u> Dilbeck Court Ltd.
<u>Application Filed:</u> November 16, 2004
<u>Zoning:</u> CS
<u>Staff Recommendation:</u> Approval, subject to the conditions listed in the docket</p> |
|---|--|
- | | |
|---|---|
| <p>(2) S045-047
(CC District 6)
(Alonzo)</p> | <p>An application to replat lot 1, Block A/6613 and a tract of land in Block 6613 into one, 6.25 acre lot on Harry Hines Blvd., north of Royal Lane.
<u>Applicant:</u> SCH-Trident, LTD.
<u>Application Filed:</u> November 17, 2004
<u>Zoning:</u> PD#498 (The Harry Hines Corridor Special Purpose District)
<u>Staff Recommendation:</u> Approval, subject to the conditions listed in the docket</p> |
|---|---|

**GOVERNMENT
EXHIBIT
1431
3:07-CR-0289-M**

- (3) **S045-048**
(CC District 3)
(Gary)
- An application to plat two (0.29 ac. and 0.47 ac.) tracts of land in Block 6720 into 3 lots at the northwest and southwest corners of Amity Lane and Cymbal Drive.
Applicant: Sterling Projects
Application Filed: November 18, 2004
Zoning: R-7.5 (A)
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (4) **S045-051**
(CC District 8)
(Brandon)
- An application to replat lot 1, Block 2/7574 and a tract of land in Block 2/7574 into 2 lots at the northwest corner of I-35 and Wheatland Road.
Applicant: Mr. D. Najafi and K. Amini
Application Filed: November 22, 2004
Zoning: RR
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (5) **S045-052**
(CC District 13)
(Scott)
- An application to plat a 2.77 acre tract of land in Block 6379 into 2 lots on Forest Lane, west of Preston Road.
Applicant: Fairway Capital Partners, L.P.
Application Filed: November 22, 2004
Zoning: CR
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (6) **S045-053**
(CC District 3)
(Gary)
- An application to plat a 20.17 acre tract of land in Block 7209, 7210 and 7212 into 1 lot at the northeast corner of Cockrell Hill Road and Rock Quarry Road.
Applicant: Pinnacle Industrial Center, L.P.
Application Filed: November 23, 2004
Zoning: PD#525 (For Industrial Research District Uses and Office Uses).
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (7) **S045-054**
(CC Districts 10)
(Avery)
- An application to plat a 0.79 acre tract of land in Block 7527 into one lot at the southeast corner of Audelia Road and Kingsley Road.
Applicant: Madison Partnership, LTD.
Application Filed: November 23, 2004
Zoning: CR
Staff Recommendation: **Approval**, subject to the conditions listed in the docket

- (8) **S034-370R**
(CC District 5)
(Lee)
An application to revise a previously approved plat (S034-370R) in order to plat a 5.35 acre tract of land in Block 6786 into one lot on St. Augustine Road, north of Military Pkwy.
Applicant: Steven L. Aaron
Application Filed: November 24, 2004
Zoning: CS
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (9) **S045-057**
(CC District 2)
(Strater)
An application to plat a 2.28 acre tract of land in Block C/388 into one lot on Broom Street and Houston Street Extension.
Applicant: Anland South, L.P.
Application Filed: November 24, 2004
Zoning: PD#193 and CA-2
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (10) **S034-238R**
(CC District 2)
(Strater)
An application to revise a previously approved plat (S034-238) in order to plat a 1.89 acre tract of land in Block 2/932 into one lot on N. Harwood Street between Jack Street and Ivan Street.
Applicant: Centex Homes
Application Filed: November 24, 2004
Zoning: CA-1 (A) SP
Staff Recommendation: **Approval**, subject to the conditions listed in the docket

Individual Items Agenda –Residential Replats

- (11) **S045-046**
(CC District 13)
(Scott)
An application to replat lots F-1 and E-2, Block S/4988 into one, 1.86 acre lot on Cherokee Trail and Linwood Avenue.
Applicant: Edwin B. and Carla Fonts Lyon
Application Filed: November 17, 2004
Zoning: PD#455 (The Bluffview Special Purpose District)
Staff Recommendation: **Approval**, subject to the conditions listed in the docket
- (12) **S045-049**
(CC District 12)
(Perkett)
An application to replat lot 1, Block 20/8758, lot 20A, Block J/8727 and a tract of land in Block J/8727 into 2 lots.
Applicant: City of Dallas and Ronald and C. Susan Threadgill
Application Filed: November 17, 2004
Zoning: R-7.5 (A) and PD#106
Notices Sent: November 17, 2004
Staff Recommendation: **Approval**, subject to the conditions listed in the docket

Miscellaneous Docket

M045-002 Minor amendment for site plan and landscape plan for Specific
Richard Brown Use Permit No. 1550, on the west line of North Central
(CC District 13) Expressway, north of Park Lane
(Scott) Staff Recommendation: Approval

M045-004 Minor amendment for development plan and landscape plan
Richard Brown for Planned Development District No. 400, on the northwest
(CC District 13) and southwest corners of Midway Road and Merrell Road
(Scott) Staff Recommendation: Approval

Zoning Cases – Consent

1. **Z034-332 (RB)** An application for a CR Community Retail District on property
Richard Brown zoned an R-7.5(A) Single Family District, on the northeast
(CC District 8) quadrant of C. F. Hawn Freeway and Woody Road
(Brandon) Staff Recommendation: Approval, subject to deed restrictions
volunteered by the applicant.
Applicant: CMC Communities, Inc.; Charles Magee-President
and Secretary
Representative: Karl A. Crawley

2. **Z045-106(WE)** An application for a Planned Development District for MF-2(A)
Warren Ellis Multifamily District uses, CR Community Retail District uses,
(CC District 10) TH-3(A) Townhouse District uses, private recreation center,
(Avery) club or area, and open spaces and a private street on property
zoned an MF-2(A) Multifamily District, a CR Community Retail
District, a TH-3(A) Townhouse District, and an R-7.5(A) Single
Family District, on the east line of Abrams Road, south of
Forest Lane
Staff Recommendation: Approval, subject to a conceptual
plan, development plans and staff's recommended conditions.
Applicant: Forest Run Chancellor, L.P.
Representative: Jackson Walker, L.L.P.

3. **Z045-109(WE)** An application for a Planned Development District for
Warren Ellis institutional uses on property zoned a CC Community
(CC District 7) Commercial Subdistrict and an R-5(A) Single Family
(Traylor) Subdistrict, within Planned Development District No. 595, the
South Dallas/Fair Park Special Purpose District, on both sides
of Bertrand Avenue at Scyene Road and
Staff Recommendation: Approval, subject to a development
plan, landscape plan and staff's recommended conditions
Applicant: True Lee Missionary Baptist Church
Representative: Masterplan

4. **Z045-113(DW)**
David Whitley
(CC District 13)
(Scott)
- An application to amend portions of Planned Development District No. 260 to allow a medical clinic or ambulatory surgical services use by Specific Use Permit, and a Specific Use Permit for a medical clinic or ambulatory surgical services use, north of Park Lane and west of Central Expressway
- Staff Recommendation: **Approval**, of an amendment to a portion of Planned Development District No. 260, and **approval** of a Specific Use Permit for medical clinic or ambulatory surgical center for a 50-year period, subject to site plan and conditions, with retention of Specific Use Permit No. 1414 for a Financial Institution with drive-through window service
- Applicant: Park Lane/NCX LP
Representative: Barry Knight
5. **Z045-115(RB)**
Richard Brown
(CC District 2)
(Strater)
- An amendment to, and expansion of, Planned Development Subdistrict No. 30 for Multiple Family Subdistrict Uses, and an amendment to, and expansion of, Specific Use Permit No. 1063 for a Community, welfare, or health center on property zoned an MF-2 Multiple Family Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street
- Staff Recommendation: **Approval** of an amendment to, and expansion of, Planned Development Subdistrict No. 30, and **approval** of an amendment to, and expansion of, Specific Use Permit No. 1063, subject to a revised site plan
- Applicant: Alliance Realty Partners, LLC
Representative: Karl Crawley
6. **Z045-116(RB)**
Richard Brown
(CC District 2)
(Strater)
- An application for an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District, on the northwest line of Mockingbird Lane beginning at the west corner of Mockingbird Lane and Denton Drive
- Staff Recommendation: **Approval**
- Applicant: Carlisle Interests, Inc. and Prescott Interests, Ltd.,
Representative: Kirk R. Williams
7. **Z045-119(RB)**
Richard Brown
(CC District 2)
(Starter)
- An application for an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District, on the north corner of Mockingbird Lane and Maple Avenue
- Staff Recommendation: **Approval**
- Applicant: Carlisle Interests, Inc. and Prescott Interests, Ltd.
Representative: Kirk R. Williams

8. **Z045-117 (RB)**
Richard Brown
(CC District 3)
(Gary)
An application for an amendment to the site plan for Specific Use Permit No. 1228 for a Tower/antenna for cellular communication on property zoned an A(A) Agricultural District, on the west line of Ledbetter Drive, southwest of Walton Walker Boulevard
Staff Recommendation: **Approval**, subject to a revised site plan.
Applicant: Nextel of Texas, Inc.
Representative: Robert Baldwin
9. **Z045-118 (RB)**
Richard Brown
(CC District 5)
(Lee)
An application for an amendment to the site plan for Specific Use Permit No. 1169 for a Tower/antenna for cellular communication on property zoned a CR Community Retail District, south of Umphress Road, West of Buckner Road
Staff Recommendation: **Approval**, subject to a revised site plan
Applicant: Nextel of Texas, Inc.
Representative: Robert Baldwin
10. **Z045-124(MM)**
Maureen Meredith
(CC District 6)
(Alonzo)
An application to amend Planned Development District No. 370 for IR Industrial Research District uses, a Group Residential Facility and an Overnight General Purpose Shelter, on the northwest corner of the intersection of Calvert Street and Irving Blvd.
Staff Recommendation: **Approval**, subject to a development plan and conditions
Applicant: Union Gospel Mission
Representative: Coker Company

Zoning Cases – Under Advisement

11. **Z034-324 (WE)**
Warren Ellis
(CC District 8)
(Brandon)
An application for an amendment to the public deed restrictions on property zoned an R-7.5(A) Single Family District, on the east side of Seagoville Road at Edd Road
Staff Recommendation: **Denial**
Applicant: Real Estate Development, Ltd.
Representative: Masterplan
U/A From: November 4, 2004 and November 18, 2004

12. **Z034-327(DW)**
David Whitley
(CC District 5)
(Lee)

An application for an MU-2 Mixed Use District with retention of the D-1 Dry Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a Dry Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a Dry Liquor Control Overlay and termination of existing deed restrictions, north of Bruton Road, west of St. Augustine Road

Staff Recommendation: **Approval**, of an MU-2 Mixed Use District with retention of the D-1 Liquor Control Overlay and **approval** of termination of the deed restrictions

Applicant: Dallas I, LTD

Representative: Suzan Kedron, Jackson Walker, LLP

U/A From: November 4, 2004; November 18, 2004; and December 2, 2004

13. **Z034-328(DW)**
David Whitley
(CC District 6)
(Alonzo)

An application for an MU-2 Mixed Use District on property zoned a CR Community Retail District with deed restrictions volunteered by the applicant, southwest of Overlake Drive and southeast of Community Drive

Staff Recommendation: **Approval**, subject to deed restrictions volunteered by the applicant and an avigation easement.

Applicant/ Representative: Chy Do Lee

U/A From: November 11, 2004 and November 18, 2004

14. **Z045-104(MM)**
Maureen Meredith
(CC District 3)
(Gary)

An application for an R-5(A) Single Family District on property zoned an IR Industrial Research District North side of Bedford Street, east of Harston Street and west of Vilbig Street

Staff Recommendation: **Denial**

Applicant: Bishop Charles V. Grahmann, Roman Catholic Diocese of Dallas

Representative: Rev. Jesus Sancho

U/A From: November 18, 2004

15. **Z045-108(WE)**
Warren Ellis
(CC District 2)
(Strater)

An application for a Planned Development Subdistrict for O-1 Office Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Congress Avenue and Wycliff Avenue

Staff Recommendation: **Denial**

Applicant/Representative: R.J. Muszynski

U/A From: December 2, 2004

Zoning Cases – Individual

16. **Z034-320(MM)**
Maureen Meredith
(CC District 11)
(Wilke)
An application for a Planned Development District for uses allowed in an MU-2 Mixed Use District and a GO(A) General Office District, on property zoned a GO(A) General Office District and the termination of existing deed restrictions on the northeast corner of the intersection of Alpha Road and Noel Drive
Staff Recommendation: **Approval**, subject to a conceptual plan and staff's conditions.
Applicant: Cypress Equities, L.L.C
Representative: Susan Mead, Jackson Walker, L.L.P.
17. **Z045-121(MM)**
Maureen Meredith
(CC District 8)
(Brandon)
An application for a CS Commercial District on property zoned an R-10(A) Single Family District, with deed restrictions volunteered by the applicant, north of the intersection of Seagoville Road and Belt Line Road
Staff Recommendation: **Denial**
Applicant: Tom W. & Wendy S. Ford
Representative: Darla House
18. **Z045-122(MM)**
Maureen Meredith
(CC District 13)
(Scott)
An application 1) to create a new subdistrict in Planned Development District No. 70 that allows alcoholic beverage consumption on site; 2) replace the D Dry Liquor Control Overlay with a D-1 Dry Liquor Control Overlay; and 3) request a Specific Use Permit for restaurants with alcoholic beverage service at the northeast corner of the intersection of Northwest Highway and Midway Road. Consideration will be given to the removal of the D Dry Liquor Control Overlay
Staff Recommendation: **Approval**, subject to a development plan and conditions
Applicant: Preston Hollow Retail, Ltd.
Representative: Karl Crawley, Masterplan

Land Use Plan

- Carrie Gordon
(CC Dist. 1, 3 & 6)
(Vera, Gary & Alonzo)
Consideration of the adoption of a land use study to augment the Fort Worth Avenue Visioning and Conceptual Land-Use Planning Study (December 2003) on West Commerce Street and Fort Worth Avenue that commences at the intersection of Westmoreland Road at Fort Worth Avenue (western boundary) and ends at the intersection of North Beckley Avenue and West Commerce Street (eastern boundary), extending approximately 1/8 to 1/4 mile on either side of the West Commerce/Fort Worth Avenue street right-of-way
Staff Recommendation: **Approval**

Development Code Amendment

DCA 045-006
David Cossum
(Citywide)

Consideration of amendments to Chapters 51 and 51A of the Dallas Development Code to create a new use for a homeless assistance center and establish appropriate standards for the use with consideration given to amending the standards for an overnight general purpose shelter use

Staff Recommendation: **Approval**

ZOAC Recommendation: **Pending** December 16, 2004 meeting

Other Matters

Authorization of Hearings

(CC Dist. 14)
(Emmons)

Consideration of authorization of a hearing to determine the proper zoning on property zoned an MF-2(A) Multifamily District on property generally bound by Live Oak Street, Munger Boulevard, Greenville Avenue, and Ross Avenue with consideration to a single family district. This is a public hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

(CC Dist. 2)
(Strater)

Consideration of authorization of a hearing to determine the proper zoning on property zoned a CA-1(A) Central Area District on the southwest corner of South Ervay Street and Cadiz Street. This is a public hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

Minutes: December 2, 2004

Adjournment

12/15 OLT (BRISTON @ STA.)
CR BRIEFING

Whitney BRIEFING

LEES COMMENT:

I'M FINE w/IT

OUT
TC NOTES

TC sales
contract
w/ no quit int.
drawings

retention
0.1

240 du
10000 sq
' retail
pers vcs
office
4 stories

- rental potentially condo
- no application pending for tax credits
- best ave. for financing project will be
- retail / co. developer (Darren Regen)
- CR for 20+ yrs.
- conventional loan to purchase the property
- Combo = best bet to get project across finish line
- principles - 20+ year @ in conventional financing
 - o BF - conventional until 1997 (market, retail, MF)
 - o SJ - conventional until 2000 (retail, conv. office)

Public Htg

ME

TOLBEET

ME

~~ME~~

Questions to Tolbeet

- TH \$25K; 1983
- HUD repo \$19K
- Leased units.
- Owners ASSN mgmt
- 87% leased
13% owner occupied
- 198 TH 28% vacant in area

PC HEARINGS NIS

Staff's questions:

- history of limitations re: MF

TOLBERT

- creek
- ① re: height
- concern is vacancy
- needs jobs + hsg units.
- vacant strip centers
 - not in village by the creek's best interest
 - BZ + hsg vacant.
 - does not understand the reasoning

Scott → ~~what~~ what's good land use?

- Tolbert - do I have to take it
 - for Reverbent
 - for park
 - kids w/ # to do.
 - resid or comm # good.

Lee

- drives district + sees dumping of ~~things~~
- Tolbert tries to keep it clean
- ① bc it's vacant = vacancies
- New dev. in area? Braton S. down Lake June
Lee sup > 5 miles

Brandon:

- Questions for Darren Reagan re: history
of developing shopping centers?
Do you potential for this?

Mr. McGill.

- yes

Lee's MTR:

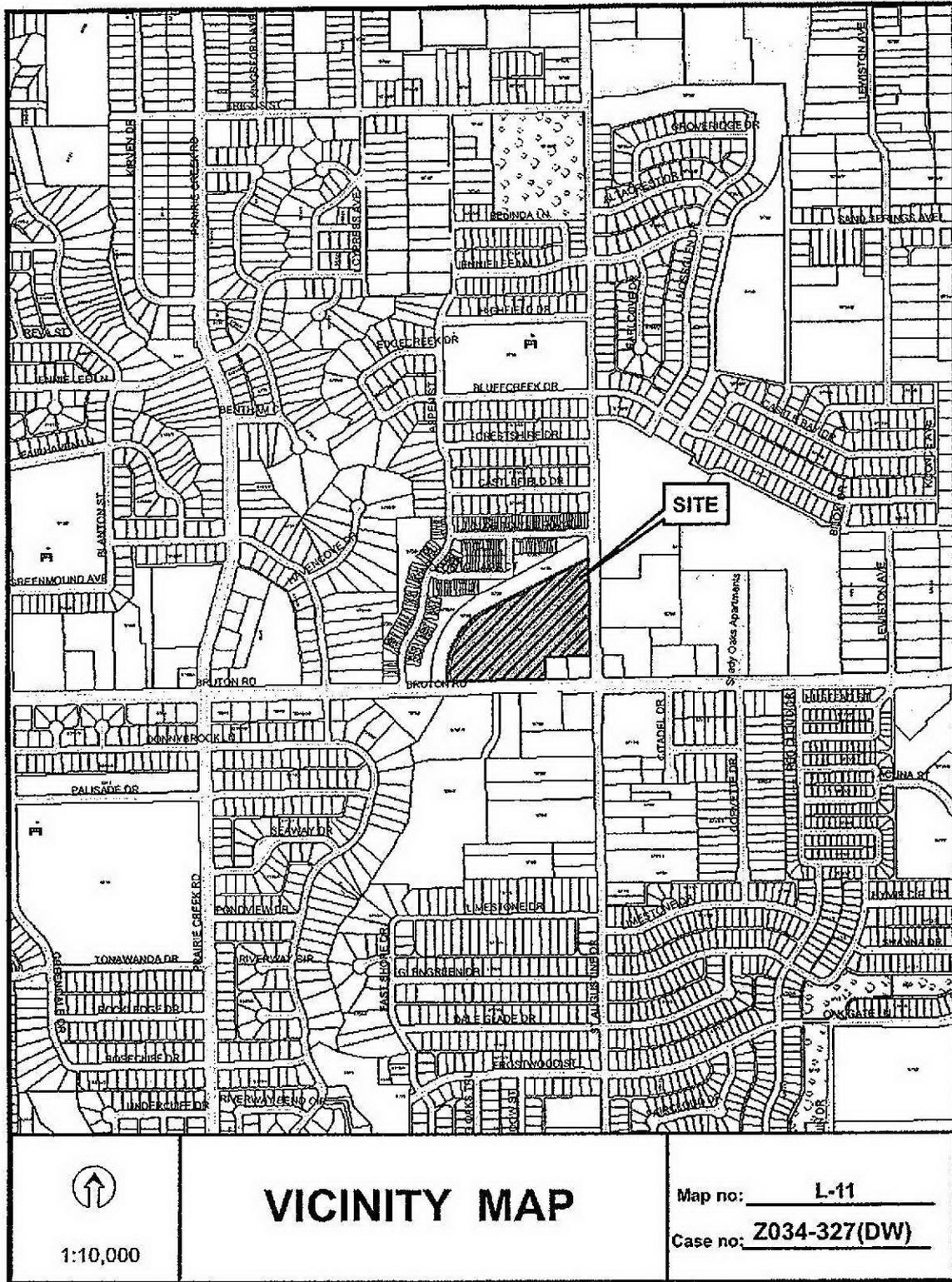
- App'd staff rec. subj to seed rest. presented by staff
- Maximizes LU
- He's a fan of ML development.
- Wants ~ W. Village in S. Dallas
- Vacancy rate high B/c no new stock in S. Dallas; reclaim community
- Excited abt. D. Reagan

Wilke:

- thinks it'll be a good project
- no real conflict; met is big enough

yes - 12/1 (not Emmons)

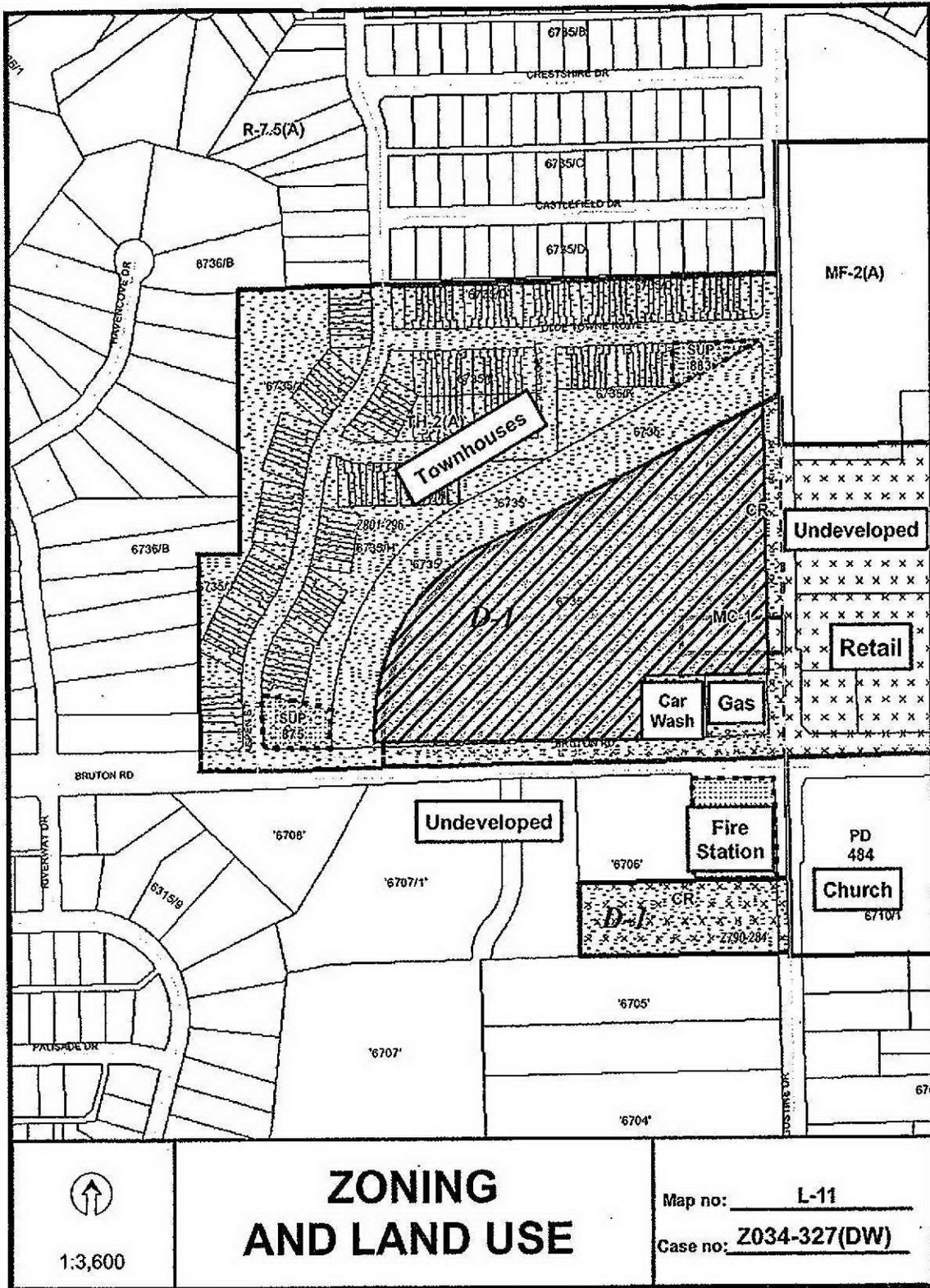
JW 01003



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VICINITY MAP

Map no: L-11
 Case no: Z034-327(DW)



deed_restrictions [x] [x] D-1

FILE NUMBER: Z034-327 (DW)

DATE FILED: September 22, 2004

LOCATION: North of Bruton Road, west of St. Augustine Road

COUNCIL DISTRICT: 5

MAPSCO: 59-B

SIZE OF REQUEST: 11.2 acres

CENSUS TRACT: 120

APPLICANT: Dallas I, LTD
(See attached list of Officers)

OWNER: Odyssey Residential Holdings, LP
(See attached list of Partners)

REPRESENTATIVE: Suzan Kedron, Jackson Walker, LLP

REQUEST: An application for an MU-2 Mixed Use District with retention of the D-1 Dry Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a Dry Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a Dry Liquor Control Overlay and termination of existing deed restrictions

SUMMARY: The purpose of the request is to allow the request site to be developed into a mixed-use residential, office/retail project

STAFF RECOMMENDATION: Approval, of an MU-2 Mixed Use District with retention of the D-1 Liquor control Overlay and approval of termination of the deed restrictions.

Z034-327 (DW)

BACKGROUND INFORMATION:

- The site is currently undeveloped.
- Existing deed restrictions filed in 1982 prohibit the site from being developed with multifamily residential uses.
- The purpose of the request is to allow the request site to be developed into a mixed-use residential, office/retail project.
- A variance to the height regulations for the request site was denied by the Board of Adjustment on November 17, 2003.

Zoning History: There have been two zoning change requests in the area:

1. Z045-103 On November 18, 2004, the City Plan Commission will consider an application for a Specific Use Permit for a tower/antenna for cellular commutation for a monopole cellular tower located north corner of Bruton Road and east St. Augustine Road.
2. Z034-264 On September 22, 2004, City Council denied without prejudice an application for a Specific Use Permit for a tower/antenna for cellular commutation for a monopole cellular tower located north of Bruton Road and east St. Augustine Road.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW	Proposed ROW
Bruton Road	Principal Arterial	100 feet	100 feet
St. Augustine Road	Collector	80 feet	60 feet

Z034-327 (DW)

Land Use:

	Zoning	Land Use
Site	MC-1-D-1 & CR-D-1	Undeveloped
North	TH-2(A)-D-1	Townhomes
South	R-7.5(A) & CR-D-1	Undeveloped, Car wash, and gas station
West	TH-2(A)	Townhomes
East	CR-D-1	Retail and undeveloped

STAFF ANALYSIS:

Land Use Compatibility:

The 11.2 acre request site is located on the north side of Bruton Road, west of St. Augustine Road. The property is undeveloped and is zoned an MC-1-D-1 Mixed Commercial District with Dry-1 Liquor Control Overlay and a CR Community Retail District with Dry-1 Liquor Control Overlay. The property is immediately adjoined north and west by TH-2(A)-D-1 Townhouse District and is developed with townhomes. A drainage channel is situated along the north and western boundary of the request site, separating it from the townhouse property. Property across St. Augustine Road to the east is zoned a CR-D-1 Community Retail District and developed with retail uses and a portion of the property is undeveloped. Property immediately adjoining the property to the southeast at the corner of Bruton Road and St. Augustine Road is zoned a CR-D-1 Community Retail District and is developed with a car wash and gas station. Property across Bruton Road to the south is zoned an R-7.5(A) Single Family District and is undeveloped.

The existing retail zoning does not allow for residential uses, and the existing deed restrictions further prohibit the property from being developed with multifamily uses. The purpose of the requested zoning and termination of the existing deed restrictions is to allow for the property to be developed into a mixed use residential, office/retail project. The applicant is proposing a three-story structure with flex space for ground floor retail and/or office uses.

Given the existing development in the area, the requested zoning would allow the property to function as a transition from the non-residential properties to the east and the residential properties to the north and west. While the requested zoning would allow for a greater maximum height than the existing zoning, the residential proximity slope triggered by residential properties adjoining the request site would limit the height of development on the request site to a maximum that is compatible with surrounding development. Staff feels that the requested change is compatible with existing development.

Deed Rest.
240 du
10000 sq ft/retail
4 stories

Z034-327 (DW)

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
MC-1* Multiple commercial-1	15' Urban form	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 maximum	70' 5 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed							
MU-2 Mixed use-2	15'	20' adjacent to residential OTHER: No Min.	1.6 FAR base 2.0 FAR maximum + bonus for residential	135' 10 stories 189' 14 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

* Deed restrictions prohibiting multifamily uses.

Landscaping: Landscaping required as per Article X.

Z034-327 (DW)

**List of Partners
Dallas I, LTD**

DALLAS I LTD.

List of Officer of the GP

Mike Harland, President and Secretary

Mike Harland

Z034-327

Z034-327 (DW)

**List of Partners
Odyssey Residential Holdings, LP**

Odyssey Residential Holdings, LP

List of Officer of the GP

**Saleem Jafar, President and Secretary
Bill Fisher, Vice President**

Saleem Jafar

Existing Deed Restrictions

82 05 05

	<u>DEED RESTRICTIONS</u>	<u>DEED RECORD</u>	
THE STATE OF TEXAS)			7.05 9
)		2140	1 03/75
	KNOW ALL MEN BY THESE PRESENTS:		
COUNTY OF DALLAS)			

That the undersigned, EDIZ, INC., is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the Thomas M. Johnson Survey, Abstract No. 695, City Block 6735, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to EDIZ, INC., by Nationwide Corporation by deed dated January 29, 1981, and recorded in Volume 81021, Page 1464 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract of land situated in the Thomas M. Johnson Survey, Abstract No. 695, and being part of City of Dallas Block 6735, Dallas County, Texas, and being more particularly described as follows:

Beginning at a point formed by the intersection of the West right of way line of St. Augustine Road and the North right of way line of Bruton Road; thence along the North right of way line of Bruton Road South 44°55'32" West, a distance of 7.09 feet to a corner;

Thence continuing along the North right of way line of Bruton Road South 89°48'30" West, a distance of 955.53 feet to a corner;

Thence departing the North right of way line of Bruton Road North 0°09'30" East, a distance of 37.54 feet to the point of curvature of a circular curve to the right whose central angle is 64°00'00", whose radius is 485.00 feet, and whose tangents are 303.06 feet;

Thence along said circular curve to the right, a distance of 541.75 feet to the point of tangency;

Thence North 64°09'30" East, a distance of 763.80 feet to a corner in the West right of way line of St. Augustine Road;

Thence along the West right of way line of St. Augustine Road South 0°02'30" West, a distance of 797.41 feet to the point of beginning and containing 12.237 acres of land.

82051 0676

Z801-296/2296-8

Z034-327

- 2 -

That the undersigned, EDIZ, INC., does hereby impress all of the above-described property with the following deed restrictions, to-wit:

Multiple Family Dwellings shall not be constructed or placed on the above described property.

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

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

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

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does 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 property within the above-described tract, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

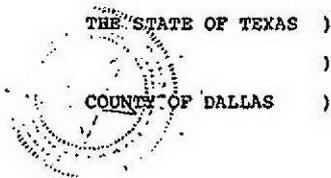
VOL PAGE

SE051 0677

Z034-327

EXECUTED this the 27th day of January, 19 82.

[Signature]



BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared Ed Worthy, President of EDIZ, INC., known to me to be the person and officer of EDIZ, INC., whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purposes and consideration therein expressed and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 27 day of January, 19 82.

[Signature]

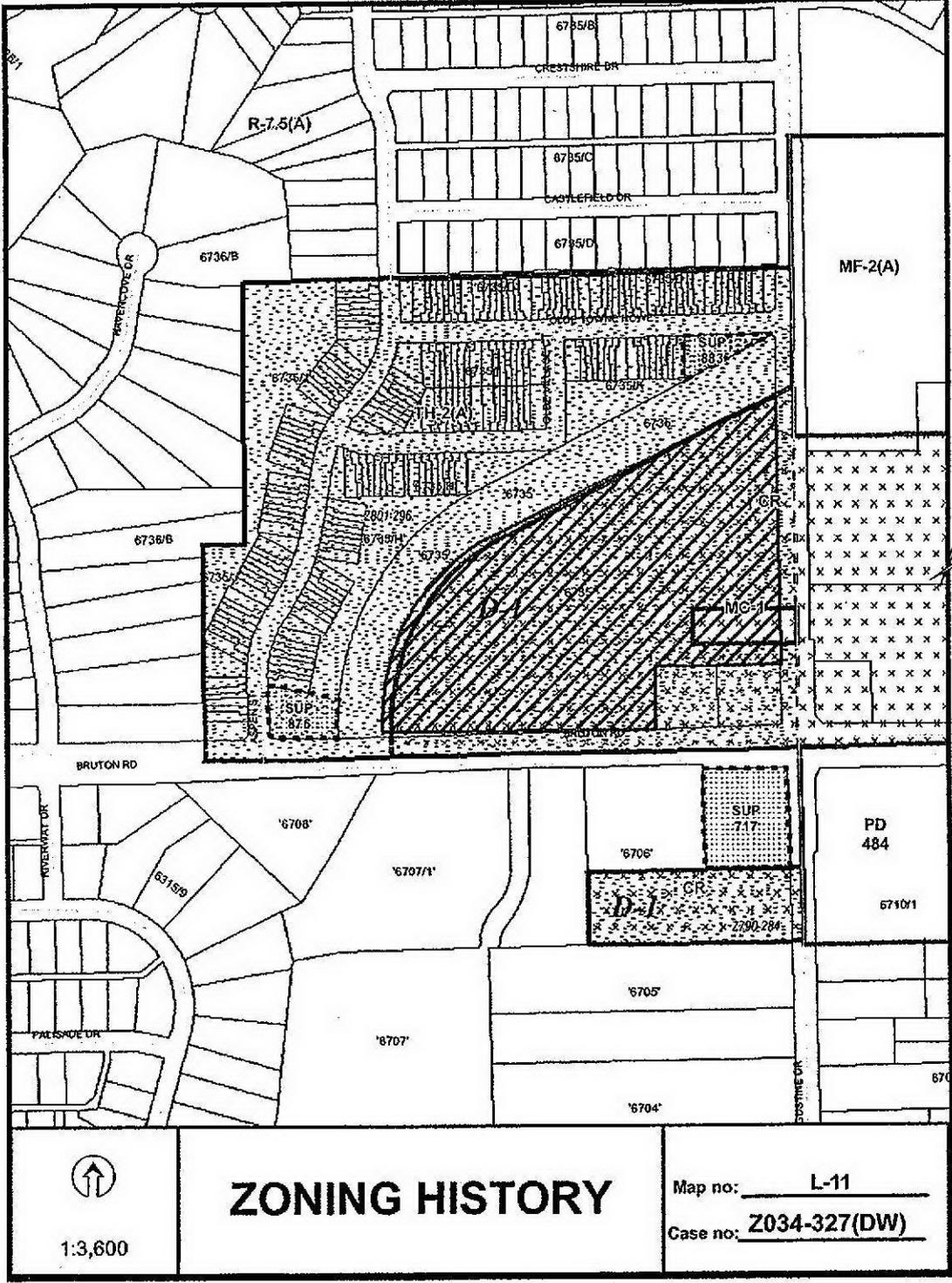
Notary Public in and for JAN F. SELZ
Commission Expires
June 1, 1983
DALLAS COUNTY, TEXAS

Approved as to form:
LEE E. HOLT, City Attorney
By *[Signature]*
Assistant City Attorney

VOL PAGE
82051 0678

Z034-327

Z034-327 (DW)

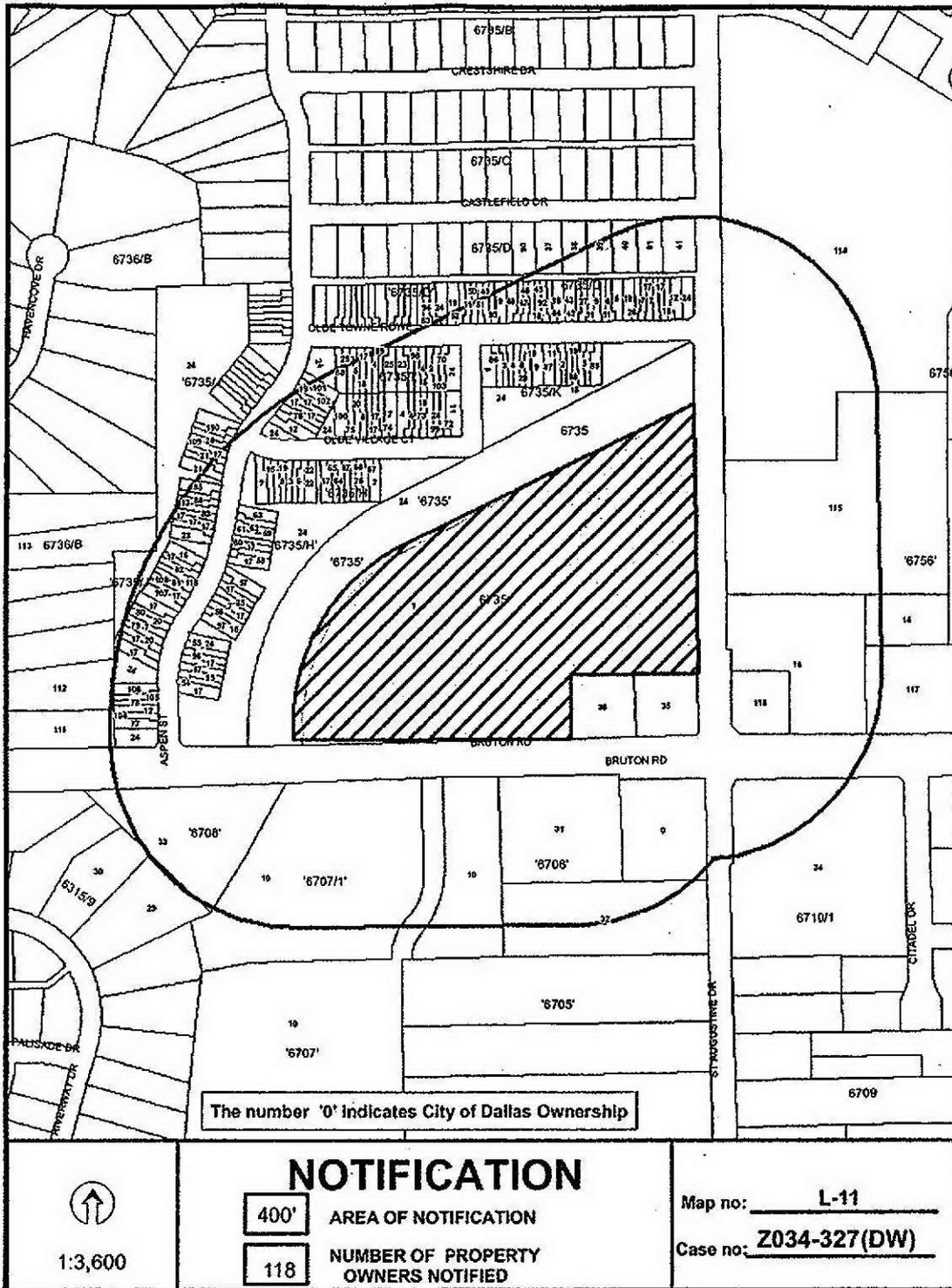


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ZONING HISTORY

Map no: L-11
Case no: Z034-327(DW)

Z034-327 (DW)

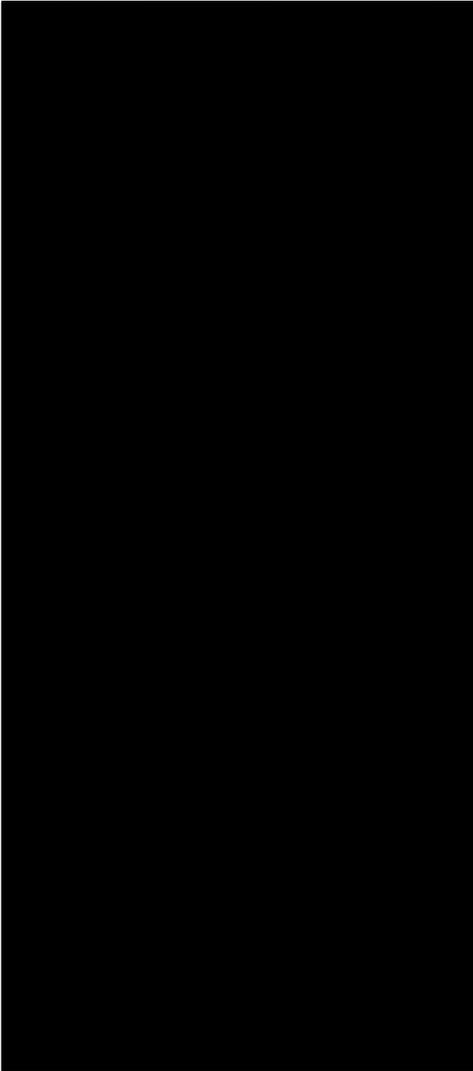


Z034-327 (DW)

Notification List of Property Owners

Z034-327(DW)(VJ)

118 Property Owners Notified

Label #	Address	Owner
1		DALLAS I LTD
2		APEX FINANCIAL
3		BOGGS JERRY LEE &
4		BREWER TIM & LUCINDA
5		BREWER TIM & LUCINDA ETAL
6		BREWER TIM & LUCINDA
7		BREWER TIM ET AL
8		CHACKO JASMINE
9		CHACKO THOMAS
10		COLON WILDO
11		COMMUNITY HOUSING FUND
12		CONAGHAN JAMES A
13		COMMUNITY HOUSING FUND
14		CORNER PROPERTIES LTD
15		FOSTER C R
16		FOSTER GREGORY
17		GARCIA CARL R
18		MARINSIK DANIEL S &
19		MCLAIN DARRELL
20		MURPHY FELTON
21		POTH JACK
22		RHODES WILLA
23		TOLBERT J W TRUSTEE
24		VILLAGE BY THE CREEK HOA
25		YI DRAKE C
26		THOMAS DAVID

Monday, October 11, 2004

Z034-327 (DW)

Label # Address

Owner

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CROW GENIKA
STAPP CARL R & BETTY C
BOLES HUBERT J & JEAN ANN
HINES KELSEY R
COLON ENTERPRISES P S
BUDDIES CHAPTER II
MEADOWS JOHN A
DALLAS I S D
LE THAI VAN & TRAM P VU
SELF SERVICE CAR WASHES
DAVIS OLEN T
HUDSPETH ROBERT C &
THURMAN FRED L LF EST
HOFFMAN VALENCIA ET AL
SHULL JO ANN
RAAB DAVID
ERSKINE PAT
BOLDEN BETTY
NAFTEL CAROL J ET AL
MIDFIRST BANK
CHARRIER DARNELL &
BAILEY DAVID SCOTT
STULTZ JAMES A
VILLAGE 693 TRUST
MCKAY ALICE B
MULESHOE PROP INC
HAYNES STACY
SELDON BETTIE H
WHITE SYLVESTER
KORNBLUTH GEORGE
ELDRIDGE DOROTHY A

Monday, October 11, 2004

Z034-327 (DW)

Label # Address

Owner

58		ANDERSON ELLIOTT JR
59		SMITH DAVID
60		MEDINA EMILIO ET AL
61		LAMANTIA LARRY JR ET AL
62		DRAKE C YI
63		MERCHANT FARZANA
64		BARKLEY GARY TRUSTEE
65		ULMER MICHAEL
66		HERWIG MARGARET
67		REID CHARLES F
68		TUTSON KIMBERLYN KAYE
69		WHEELER JOHN W
70		HARDAWAY BONNELLE B
71		JACKSON A L
72		CONAGHAN ALEXANDER
73		HENSLING AL &
74		JORDAN JASON & ALI SHEIKH
75		SHELTON CEDRIC
76		ROBERSON ERICA D
77		WILLIAMS SHERMAN &
78		JACKSON JOHN A
79		REECE SOPHIA
80		LEGATE MARTHA
81		MEDINA EMILIO & ALEJANDRA
82		RAY PATRICIA
83		SIMPSON JUANITA
84		LEWIS NAPOLEON
85		MILLER JANET
86		VARGAS INGRID
87		OMILADE JOHNNY & BETTY
88		ANTHONY THRESIAMMA

Monday, October 11, 2004