CITY OF DALLAS

STATE OF TEXAS §

COUNTY OF DALLAS §

CITY OF DALLAS §

I, **SHIRLEY ACY,** City Secretary, of the City of Dallas, Texas, do hereby certify that the attached are true and correct copies of documents

FILE NO. 04-3063

filed in my office as official records of the City of Dallas, and that I have custody and control of said records.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **22nd** day of **August, 2005.**

SHIRLEY ACY
CITY SECRETARY
CITY OF DALLAS, TEXAS

PREPARED BY DARLENE GARMON
CERTIFICATION ITEM NO. 7

COD_CSO 0002734

GOVERNMENT EXHIBIT
1526
3:07-CR-0289-M

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3063

Item 50: Public Hearing – Zoning Case – UNDER ADVISEMENT - INDIVDIUAL

A public hearing was called on zoning case Z023-248 (MM), an application for and an ordinance granting a CH Clustered Housing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MF-1(A) Multifamily District and a TH-3(A) Townhouse District on the south side of Camp Wisdom Road, east of R.L. Thornton Freeway.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant. This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.)

Councilmember Fantroy announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Fantroy left the city council chamber.

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Karl Crawley, 500 S. Ervay St., representing the applicant

The following individuals addressed the city council regarding zoning case Z034-248 (MM):

Albert Parker, 6318 Elam Rd.
Carol Brandon, 116 Halsey
Allen McGill, 1445 Firebird Dr.
Eugene Thomas, 5654 Winding Wood Trl.

Deputy Mayor Pro Tem Hill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy abstain; Oakley absent on city business)

Assigned ORDINANCE NO. 25784.

COD_CSO 0002735

11/3/2004 8:34 AM
G:\2004MIN\CC102504.doc

OFFICE OF THE CITY SECRETARY CITY OF DALLAS, TEXAS

10-12-04

ORDINANCE NO. 25784

An ordinance amending the zoning ordinances of the City of Dallas, as amended, by changing the zoning classification on the following described property,

BEING a tract of land in City Block 6630, with approximately 898.45 feet of frontage on the south line of Camp Wisdom Road, beginning at a point approximately 1,150 feet from the southeast corner of the intersection of Camp Wisdom Road and I.H. 35 East, and containing approximately 46.50 acres of land,

from an MF-1(A) Multifamily District and a TH-3(A) Townhouse District to a CH Clustered Housing District; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property described below; and

WHEREAS, the city council finds that it is in the public interest to grant this change in zoning; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning ordinances of the City of Dallas, as amended, are amended by changing the zoning classification on the property described in Exhibit A, attached to and made a part of this ordinance, from an MF-1(A) Multifamily District and a TH-3(A) Townhouse District to a CH Clustered Housing District.

SECTION 2. That, pursuant to Section 51A-4.701 of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

DEED RESTRICTIONS

COD_CSO 0002736

SECTION 3. That the director of development services shall correct Zoning District Map No. P-7 in the offices of the city secretary, the building official, and the department of development services to reflect the change in zoning made by this ordinance.

SECTION 4. That a person who violates a provision of this ordinance is punishable by a fine not to exceed $2,000 upon conviction.

SECTION 5. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By John F. Okrutanego

Assistant City Attorney

DEED RESTRICTIONS

Passed OCT 27 2004

COD_CSO 0002737

LAND DESCRIPTION
46.5 ACRES

Z023-248(MM) 25784

Being a tract of land situated in the Morris Ferris Survey, Abstract No. 460, City of Dallas, Dallas County, Texas and being a portion of Tract I and all of Tract II as described in Quit Claim Deed to Madeline N. Hargrove as recorded in Volume 99020, Page 61 of the Deed Records Dallas County Texas and being more particularly described as follows;

BEGINNING at a ½" iron rod found in the southerly right-of-way line of Camp Wisdom Road (a variable width right-of-way) said point being the most northerly northwest corner of said Tract II;

THENCE, North 88 degrees 52 minutes 32 seconds East, along the southerly right-of-way line of said Camp Wisdom Road, a distance of 898.45 feet to a point for corner from which a ½ inch iron rod found bears South 51 degrees 58 minutes 48 seconds East a distance of 0.39 feet;

THENCE, South 01 degrees 03 minutes 58 seconds East, along the easterly line of said Tract II, a distance of 340.03 feet to a point for corner in the approximate centerline of Ricketts Branch, said point being the beginning of a non-tangent curve to the left having a central angle of 09 degrees 45 minutes 10 seconds, a radius of 193.18 feet, and being subtended by a chord of North 49 degrees 19 minutes 07 seconds East a distance of 32.84 feet;

THENCE, along the approximate centerline of Ricketts Branch and the northerly line of said Tract 1, the following;

Departing the easterly line of said Tract II and along said curve to the left an arc length of 32.88 feet to a point at the end of said curve;

North 44 degrees 26 minutes 32 seconds East a distance of 34.60 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 00 minutes 00 seconds, a radius of 193.18 and being subtended by a chord of North 55 degrees 56 minutes 32 seconds East for a distance of 77.00 feet;

Along said curve to the right an arc distance of 77.52 feet to a point at the end of said curve;

North 67 degrees 26 minutes 32 seconds East a distance of 172.40 feet to a point at the beginning of a curve to the left having a central angle of 10 degrees 08 minutes 00 seconds, a radius of 193.18 and being subtended by a chord of North 62 degrees 22 minutes 32 seconds East a distance of 34.12 feet;

Along said curve to the right an arc distance of 34.17 feet to a point at the end of said curve, said point being the most northerly corner of said Tract I and being on the westerly line of a tract of land described in deed to NUHOME DESIGNS, L.L.C. as recorded in Volume 99212, Page 4366 of the Deed Records Dallas County Texas;

THENCE, along the westerly line of said NUHOMES, L.L.C. tract and the approximate centerline of Parrish Branch the following;

South 08 degrees 22 minutes 55 seconds West a distance of 343.67 feet to a point at the beginning of a curve to the left having a central angle of 19 degrees 07 minutes 00 seconds, a radius of 130.00 and being subtended by a chord of South 01 degrees 11 minutes 35 seconds East a distance of 43.17 feet;

Along said curve to the left an arc distance of 43.37 feet to a point at the end of said curve,

South 10 degrees 45 minutes 05 seconds East a distance of 51.39 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 04 minutes 00 seconds, a radius of 130.00 and being subtended by a chord of South 00 degrees 47 minutes 55 seconds West a distance of 51.98 feet;

Along said curve to the left an arc distance of 52.34 feet to a point at the end of said curve,

South 12 degrees 19 minutes 55 seconds West a distance of 135.96 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 42 minutes 09 (deed 24 degrees 50 minutes) seconds, a radius of 130.00 and being subtended by a chord of South 24 degrees 10 minutes 56 seconds West a distance of 53.40 feet;

Along said curve to the left an arc distance of 53.78 (deed 56.35 feet) feet to a point at the end of said curve,

South 00 degrees 16 minutes 15 seconds West a distance of 5.46 feet (deed 5.00 feet) to a point, said point being the most westerly corner of said NUHOMES L.L.C. tract and being on an easterly line of said Tract I ;

THENCE, along the approximate centerline of Parrish Branch and an easterly line of said Tract I, the following;

South 44 degrees 32 minutes 32 seconds West a distance of 29.96 feet to a point;

South 12 degrees 14 minutes 32 seconds West a distance of 117.49 feet to a point;

South 47 degrees 28 minutes 32 seconds West a distance of 324.06 feet to a point;

South 14 degrees 17 minutes 28 seconds East a distance of 137.66 feet to a point;

South 18 degrees 29 minutes 32 seconds West a distance of 272.19 feet to a point;

South 32 degrees 04 minutes 28 seconds East a distance of 139.92 feet to a point;

South 59 degrees 03 minutes 32 seconds West a distance of 134.94 feet to a point;

South 44 degrees 34 minutes 28 seconds East a distance of 161.31 feet to a point;

South 01 degrees 44 minutes 28 seconds East a distance of 129.96 feet to a point;

South 78 degrees 00 minutes 32 seconds West a distance of 122.02 feet to a point;

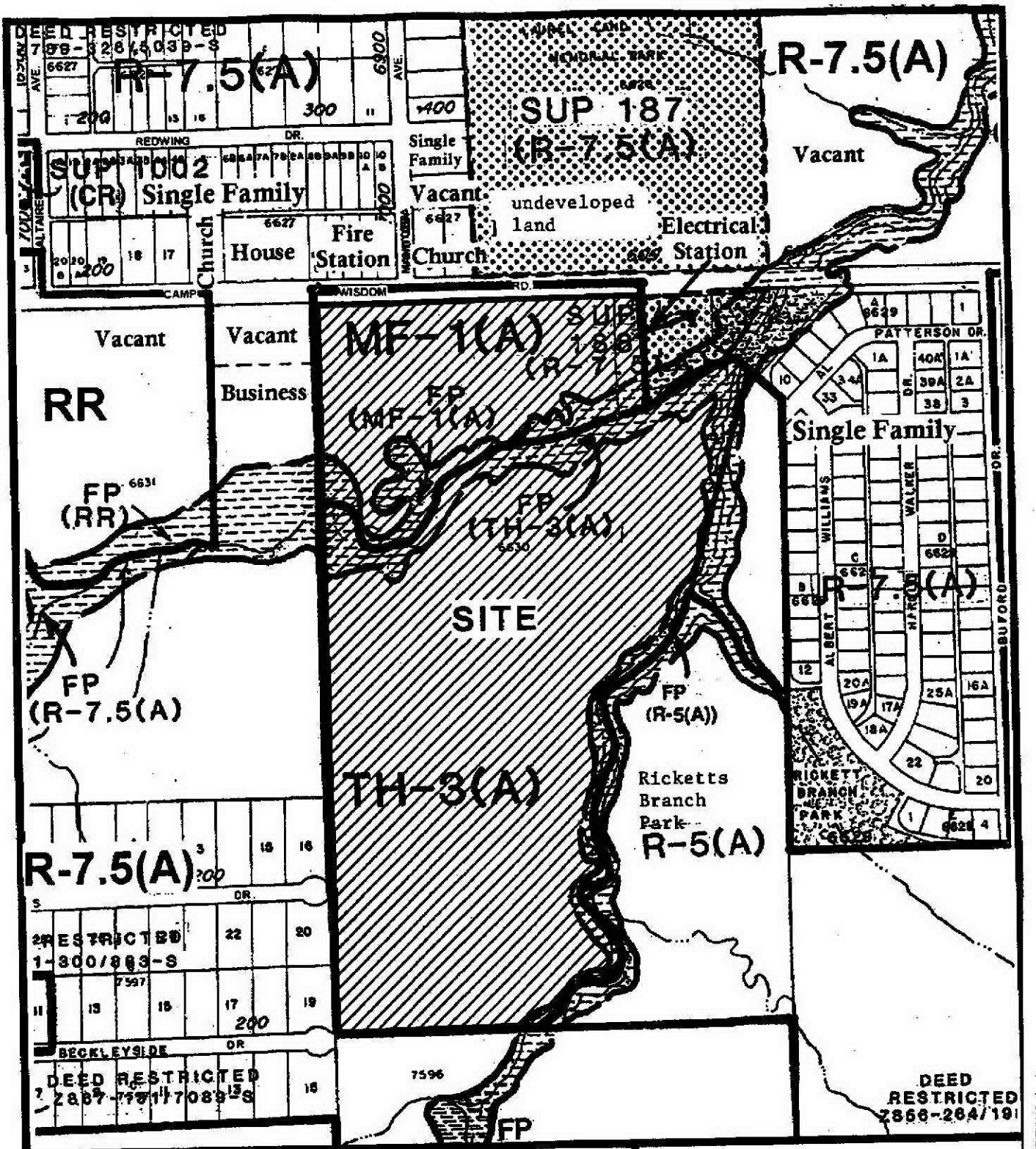
South 41 degrees 40 minutes 32 seconds West a distance of 174.21 feet to a point at the southeast corner of said Tract I ;

THENCE, South 88 degrees 11 minutes 32 seconds West, along the southerly line of said Tract I, a distance of 592.52 feet to a point from which a 5/8 inch iron rod found bears North 00 degrees 42 minutes 28 seconds West a distance of 0.25 feet;

THENCE, North 00 degrees 42 minutes 28 seconds West, along the westerly line of Tracts I and II, a distance of 2177.59 feet to the **POINT OF BEGINNING** and containing 46.5 acres of land, more or less.

DEED RESTRICTIONS

COD_CSO 0002738



ZONING AND LAND USE

MAP NO. P-7

CASE NO. Z023-248/11954(MM)

07-01-03

DEED RESTRICTIONS

COD_CSO 0002739

043063

3124470

DEED RESTRICTIONS

4922144 11/08/04 $26.00 Deed

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

I.

The undersigned, TX Laureland Housing, L.P. ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of Morris Ferris Survey, Abstract No. 460, in City Block 6630, in the City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Madeline N. Hargrove by deed dated September 2, 2003, filed September 30, 2003 and recorded in the Deed Records of Dallas County, Texas, and being more particularly described as follows in Exhibit A, attached hereto..

II.

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

The maximum density for dwelling units is Eight (8) units per acre;

A 50 foot in width "No-Build" zone must be provided parallel to the western Property line.

III.

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

IV.

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.

COD_CSO 0002747

200216 6447

V.

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

VI.

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

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

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

X.

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

XI.

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

XII.

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

EXECUTED this the 16th day of June, 2004.

Owner:
TX Laureland Housing, L.P.

By: _____

Printed Name: Brian Potashnik,

Title: Managing Member of the General Partner, TX Laureland Development, L.L.C.

CONSENT AND CONCURRENCE OF LIENHOLDER OR MORTGAGEE

Texas Capital Bank
Property Lienholder or Mortgagee

By: _____

Printed Name: Mark F. Rodgers

Title: Senior Vice President

APPROVED AS TO FORM:
MADELEINE B. JOHNSON, City Attorney

By: _____
Assistant City Attorney

STATE OF Texas

COUNTY OF Dallas

This instrument was acknowledged before me on this 16th day of June, 2004, by Brian Podashnik.

(SEAL)

CHRISTINE MARIE SULLIVAN
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
FEBRUARY 25, 2008

Notary Public

My commission expires: _____ (date)

LIENHOLDER OR MORTGAGEE

STATE OF Texas

COUNTY OF Dallas

This instrument was acknowledged before me on this 16th day of June, 2004, by Mark F. Rodgers.

(SEAL)

Notary Public

My commission expires: 2-25-08 (Date)

CHRISTINE MARIE SULLIVAN
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
FEBRUARY 25, 2008

COD_CSO 0002742

EXHIBIT A

LAND DESCRIPTION
46.5 ACRES

Being a tract of land situated in the Morris Ferris Survey, Abstract No. 460, City of Dallas, Dallas County, Texas and being a portion of Tract I and all of Tract II as described in Quit Claim Deed to Madeline N. Hargrove as recorded in Volume 99020, Page 61 of the Deed Records Dallas County Texas and being more particularly described as follows;

BEGINNING at a ½" iron rod found in the southerly right-of-way line of Camp Wisdom Road (a variable width right-of-way) said point being the most northerly northeast corner of said Tract II;

THENCE, South 01 degrees 03 minutes 18 seconds East, along the easterly line of said Tract II, a distance of 340.03 feet to a point for corner in the approximate centerline of Ricketts Branch, said point being the beginning of a non-tangent curve to the left having a central angle of 09 degrees 45 minutes 10 seconds, a radius of 193.18 feet, and being subtended by a chord of North 49 degrees 19 minutes 48 seconds East a distance of 32.84 feet;

THENCE, along the approximate centerline of Ricketts Branch and the northerly line of said Tract 1, the following;

Departing the easterly line of said Tract II and along said curve to the left an arc length of 32.88 feet to a point at the end of said curve;

North 44 degrees 27 minutes 13 seconds East a distance of 34.60 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 00 minutes 00 seconds, a radius of 193.18 and being subtended by a chord of North 55 degrees 57 minutes 13 seconds East for a distance of 77.00 feet;

Along said curve to the right an arc distance of 77.52 feet to a point at the end of said curve;

North 67 degrees 27 minutes 13 seconds East a distance of 172.40 feet to a point at the beginning of a curve to the left having a central angle of 10 degrees 08 minutes 00 seconds, a radius of 193.18 and being subtended by a chord of North 62 degrees 23 minutes 13 seconds East a distance of 34.12 feet; ;

Along said curve to the right an arc distance of 34.17 feet to a point at the end of said curve, said point being the most northerly corner of said Tract I and being on the westerly line of a tract of land described in deed to NUHOME DESIGNS, L.L.C. as recorded in Volume 99212, Page 4366 of the Deed Records Dallas County Texas;

THENCE, along the westerly line of said NUHOMES, L.L.C. tract and the approximate centerline of Parrish Branch the following;

South 08 degrees 23 minutes 35 seconds West a distance of 343.67 feet to a point at the beginning of a curve to the left having a central angle of 19 degrees 07 minutes 00 seconds,

a radius of 130.00 and being subtended by a chord of South 01 degrees 10 minutes 55 seconds East a distance of 43.17 feet;

Along said curve to the left an arc distance of 43.37 feet to a point at the end of said curve,

South 10 degrees 44 minutes 25 seconds East a distance of 51.39 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 04 minutes 00 seconds, a radius of 130.00 and being subtended by a chord of South 00 degrees 48 minutes 35 seconds West a distance of 51.98 feet;

Along said curve to the left an arc distance of 52.34 feet to a point at the end of said curve,

South 12 degrees 20 minutes 35 seconds West a distance of 135.96 feet to a point at the beginning of a curve to the right having a central angle of 23 degrees 42 minutes 09 (deed 24 degrees 50 minutes) seconds, a radius of 130.00 and being subtended by a chord of South 24 degrees 11 minutes 36 seconds West a distance of 53.40 feet;

Along said curve to the left an arc distance of 53.78 (deed 56.35 feet) feet to a point at the end of said curve,

South 00 degrees 16 minutes 55 seconds West a distance of 5.46 feet (deed 5.00 feet) to a point, said point being the most westerly corner of said NUHOMES L.L.C. tract and being on an easterly line of said Tract I ;

THENCE, along the approximate centerline of Parrish Branch and an easterly line of said Tract I, the following;

South 44 degrees 33 minutes 13 seconds West a distance of 29.96 feet to a point;

South 12 degrees 15 minutes 13 seconds West a distance of 117.49 feet to a point;

South 47 degrees 29 minutes 13 seconds West a distance of 324.06 feet to a point;

South 14 degrees 16 minutes 48 seconds East a distance of 137.66 feet to a point;

South 18 degrees 30 minutes 13 seconds West a distance of 272.19 feet to a point;

South 32 degrees 03 minutes 48 seconds East a distance of 139.92 feet to a point;

South 59 degrees 04 minutes 13 seconds West a distance of 134.94 feet to a point;

South 44 degrees 33 minutes 48 seconds East a distance of 161.31 feet to a point;

South 01 degrees 43 minutes 48 seconds East a distance of 129.96 feet to a point;

South 78 degrees 01 minutes 13 seconds West a distance of 122.02 feet to a point;

20042 16 6452 COD_CSO 0002744

South 41 degrees 41 minutes 13 seconds West a distance of 174.21 feet to a point at the southeast corner of said Tract I ;

THENCE, South 88 degrees 12 minutes 13 seconds West, along the southerly line of said Tract I, a distance of 592.52 feet to a 5/8 inch iron rod found at the southwest corner of said Tract I;

THENCE, North 00 degrees 41 minutes 48 seconds West, along the westerly line of Tracts I and II, a distance of 2177.59 feet to a point at the northwest corner of said Tract II;

THENCE, North 88 degrees 53 minutes 13 seconds East, along the northerly line of said Tract I, a distance of 898.45 feet to the **POINT OF BEGINNING** and containing 46.5 acres of land, more or less.

Basis of Bearings:

State Plane Coordinates NAD 1983 (Texas North Central Zone 4202), Based on NGS Control Monument Redbird Airport (PID AB2785) and Buckner Reset (PID AF9156).

20042 16 6453

COD_CSO 0002745

043063

COUNCIL CHAMBER

10-12-04

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with the property described as a tract of land in City Block 6630, with approximately 898.45 feet of frontage on the south line of Camp Wisdom Road, beginning at a point approximately 1,150 feet from the southeast corner of the intersection of Camp Wisdom Road and I.H. 35 East, and containing approximately 46.50 acres of land, which is the subject of Zoning Case No. Z023-248/11954; and

WHEREAS, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the deed restrictions in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property that is the subject of Zoning Case No. Z023-248/11954.

Section 2. That the deed restrictions in the attached instrument shall be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, Texas, and it is accordingly so resolved.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By John J. Ohmberger
Assistant City Attorney

APPROVED BY
CITY COUNCIL

OCT 27 2004

City Secretary

Passed

COD_CSO 0002746

APPROVED _____ HEAD OF DEPARTMENT

APPROVED _____ DIRECTOR OF FINANCE

APPROVED _____ CITY MANAGER

S/N 753-036-006

SUP-00055A

043063

City of Dallas

Department of Development Services

1500 Marilla Street Room 5B North Dallas, TX 75201 Phone 214.670.4209 Fax 214.670.4210

Zoning Change Application

October 2002

Provide the following information. (Please print).

Applicant		Representative		Owner	
Owner ☐ Prospective Buyer ☒ Tenant ☐				Individual ☒ Corporation ☐ Partnership ☐ Trust ☐	
Name:	Southwest Housing Development	Name:	Karl Crawley, MASTERPLAN	Name:	Madeline N. Hargrove
Address:	5910 N Central Expressway, Suite 1145	Address:	500 S Ervay, Suite 112B	Address:	P.O. Box 907
City/St/Zip:	Dallas, TX 75206	City/St/Zip:	Dallas, TX 75201	City/St/Zip:	Lancaster, TX 75146
Telephone	214 891-1402	Telephone:	214 761-9197	Telephone:	
Fax:	214 987-3507	Fax:	214 748-7114	Fax:	
E-mail:		E-mail:		E-mail:	

Signature of Applicant

See Attached

Signature of Owner

Existing zoning:	MF-1(A) & TH-3(A)	Location & cross street:	South side of Camp Wisdom Road, east of Manitoba Avenue, 330 E Camp Wisdom Road
Mapsco no.	64Z 65V	Request:	CH Clustered Housing District, deed restricted to a maximum of 8 units per acre
Zoning map no.	P7		
Council district	5 & 8		
School district	DISD		
Census tract no.	112.00	Lot(s)/Block(s):	Block 6630
		Size of request:	46.555 acres

Areas below to be completed by staff during application intake.

General Zoning Change*	Specific Use Permit*	Planned Development District*	Deed Restrictions*
	New ☐ Renewal ☐ Amendment ☐ Auto Renewal*** ☐		Termination ☐ Amendment ☐
Proper signatures ☑	Proper signatures*** ☐	Proper signatures ☐	Proper signatures ☐
Letter(s) of authorization ☑	Letter(s) of authorization*** ☐	Letter(s) of authorization ☐	Letter(s) of authorization ☐
Land use statement ☑	Land use statement ☐	Land use statement ☐	Land use statement ☐
Zoning Location Maps (2) ☑	Draft Conditions ☐	Draft Conditions ☐	Zoning Location Maps (2) ☐
Tax Plat Maps (2) ☑	Zoning Location Maps (2)*** ☐	Zoning Location Maps (2) ☐	Tax Plat Maps (2) ☐
Correct lot & block or Metes & Bounds survey with drawing (2) ☑	Tax Plat Maps (2) ☐	Tax Plat Maps (2) ☐	Correct lot & block or Metes & Bounds survey with drawing (2) ☐
Copy of Deed ☑	Correct lot & block or Metes & Bounds survey with drawing (2) ☐	Correct lot & block or Metes & Bounds survey with drawing (2) ☐	Copy of Deed ☐
Tax and lien statements ☑	Copy of Deed ☐	Copy of Deed ☐	Tax and lien statements ☐
Traffic Impact Worksheet ☑	Tax and lien statements ☐	Tax and lien statements ☐	List of partners/principals/officers** ☐
Traffic Impact Study or Waiver** ☐	Traffic Impact Worksheet ☐	Traffic Impact Worksheet ☐	Termination instrument** ☐
List of partners/principals/officers** ☑	Traffic Impact Study or Waiver** ☐	Traffic Impact Study or Waiver** ☐	New instrument** ☐
	List of partners/principals/officers** ☐	List of partners/principals/officers** ☐	Copy of executed deed restrictions** ☐
	Site Plans (10 folded) ☐	Conceptual plans (10 folded) or Development Plans (10 folded) ☐	
	Landscape Plans (10 folded)** ☐	Landscape Plans (10 folded)** ☐	
	Tree Survey (2 folded)** ☐	Tree Survey** ☐	
		Elevation/perspectives (optional) ☐	

*Additional requirements may be determined as necessary prior to application acceptance. ** If required.

2 year waiver:	Y ☐ N ☑	Filing fee: $	1180.00	Sign fee: $	50.00	Date filed:	6-25-03
Escarpment	Y ☐ N ☑	Receipt no.	29817	Receipt no.	29817	Accepted by:	SB
Floodplain	Y ☑ N ☐	Notification area:	500 FT.	No. of signs:	3	Date withdrawn:	

Tentative CPC Hearing Date: AUGUST 7, 2003 **Planner:** Meredith **File No.:** Z023-298(MM)

COD_CSO 0002748

CATEGORY: PUBLIC HEARINGS AND RELATED ACTIONS

AGENDA DATE: October 27, 2004

COUNCIL DISTRICT(S): 5, 8

DEPARTMENT: Department of Development Services

CMO: Ryan S. Evans, 670-3314

MAPSCO: 64 Z 65 W

SUBJECT

An application for and an ordinance granting a CH Clustered Housing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MF-1(A) Multifamily District and a TH-3(A) Townhouse District on the south side of Camp Wisdom Road, east of R.L. Thornton Freeway

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z023-248 (MM)

Note: This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, OCTOBER 27, 2004**
ACM: Ryan S. Evans

FILE NUMBER: Z023-248(MM) **DATE FILED:** June 25, 2003

LOCATION: On the south side of Camp Wisdom Road, east of R.L. Thornton Freeway

COUNCIL DISTRICT: 5 & 8 **MAPSCO:** 64Z & 65W

SIZE OF REQUEST: Approx. 46.55 acres **CENSUS TRACT:** 11.20

APPLICANT: Southwest Housing Development (See list of officers/directors)

OWNER: TX Laureland Housing, L.P. (New Owner. See list of officers/directors)

REPRESENTATIVE: Karl Crawley, Masterplan

REQUEST: An application for a CH Clustered Housing District with deed restrictions volunteered by the applicant to a maximum of 8 units per acre with a 50-foot no-build area on the western property line, on property zoned an MF-1(A) Multifamily District and a TH-3(A) Townhouse District

SUMMARY: The CH Clustered Housing District allows up to 18 units per net acre, but the applicant has volunteered deed restrictions to limit the development to a maximum of 8 units per acre. The applicant has also volunteered to a 50-foot no-build area on the western property line. The applicant proposes to build a maximum of 280 townhouse-style dwelling units.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

COD_CSO 0002750

BACKGROUND INFORMATION:

- The applicant proposes to build a maximum of 280 townhouse-style dwelling units to be developed as multifamily units under the regulations of a CH Clustered Housing District.
- The applicant states the development will be rental units, approximately 1,000 to 1,250 square feet in size.
- The CH Clustered Housing District allows up to 18 units per net acre, however the applicant has volunteered deed restrictions to limit the development to a maximum of 8 units per acre. In addition, the applicant has agreed to a 50-foot no-build area on the western property line to protect the existing vegetation.

Zoning History: There has been one zoning change request in the area within recent history relevant to this case.

1. Z034-245 An application for a Planned Development District for mixed uses and the termination of a portion of SUP No. 187 for a cemetery and mortuary use and a private recreation club or area for a golf driving range on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 187 was approved by the City Council on September 22, 2004, with the ordinance returning to the City Council on December 8, 2004.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Pavement Width	Existing ROW	Proposed ROW
Camp Wisdom Road	Principal Arterial	66'	60'	107'

COD_CSO 0002751

Land Use:

	Zoning	Land Use
Site	MF-1(A) & TH-3(A)	Undeveloped
North	R-7.5(A) with SUP 187 on a portion	Fire station, church and undeveloped
East	R-5(A) & R-7.5(A) with SUP 188 on a portion	Electrical power substation, Ricketts Branch Park, undeveloped land, and single family residences
South	R-7.5(A)	Undeveloped land
West	R-7.5(A)	Undeveloped land and a heavy equipment business

Area Plans: Southeast Oak Cliff Land Use, Housing and Economic Study, adopted by the City Council in August, 1991, recommends this area for single-family uses, however, the site currently has zoning for multifamily and townhouse uses. The proposed development is at a lower density than would be allowed under the current zoning.

In the Goals and Objectives of the Housing Strategy section, the proposed development meets the following objective:

> ***Objective #6: To encourage the development of new affordable housing in the Southeast Oak Cliff community.***

STAFF ANALYSIS:

Land Use Compatibility: The request site is an approximate 46.55-acre tract of undeveloped land that is heavily wooded and is crossed by two creeks. The applicant is requesting a CH Clustered Housing District to allow flexibility in developing the site, on which they plan to build a maximum of 280 townhouse-style dwelling units. The CH District limits the development to a maximum of 8 attached units approximately 1,000 to 1,250 square feet in size. The CH District also allows a maximum of 18 units per acre, but the applicant has volunteered deed restrictions that limit the development to 8 units per acre. In addition, the applicant has volunteered an additional deed restriction of a 50-foot no-build area on the western property line to protect the existing vegetation. The applicant states the development will be rental units, approximately 1,000 to 1,250 square feet in size.

As mentioned in the Zoning History section of this report, zoning case number Z034-245 located north of the request site and was approved by the City Council on September 22, 2004. The applicant in this case is proposing to develop the 70-acre site in 2 phases: Phase I will consist of the development of 250 multifamily units and a 1-story clubhouse. A significant portion of the multifamily development will be developed west of a new north-south street with the remaining units to be developed east of the new street and south of a creek. Phase II will consist of the construction of approximately 250 single-family homes. The single-family homes will wrap around the multifamily development beginning northeast of the Unnamed Road and Cheery Creek Point. The applicant will have to submit a detailed development plan for CPC approval for the single-family development in Phase II. Furthermore, the applicant has indicated that the lot sizes will vary between 5,000 square feet to 10,000 square feet lots. The representative has indicated that a minimum of 10% of the single-family lots will be 10,000 square feet.

The surrounding land uses are a firehouse, a church and undeveloped land (part of Z034-245) to the north; an electrical power station, vacant land, and a single family development to the east; undeveloped land to the south; and a heavy equipment business with vacant land fronting Camp Wisdom Road to the west.

The proposed development is not significantly changing the existing zoning on the property, which currently has multifamily and townhouse zoning. However, by volunteering deed restrictions limiting the development to a maximum of 8 units per acre, the applicants are providing a less dense development in order to protect the existing vegetation and trees.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MF-1(A) (existing)	15'	15'	Min. lot 3,000 sq. ft 1,000 sq. ft – E 1,400 – 1 BR 1,800 – 2 BR +200 sq. ft each add'l BR	36'	60%	Proximity slope	Multifamily residential
TH- 3(A) (existing)	0'	0'	12 Dwelling units per acre	36'	60%		Single family residential uses
CH (proposed)	0'	0'	*18 Dwelling units per acre	36'	60%	Proximity slope	Single family and multifamily residential uses

*Maximum 8 dwelling units per acres as volunteered by deed restrictions

Landscaping: Development must comply with Article X, as amended.

COD_CSO 0002753

CPC Minutes: (August 7, 2003)

Motion: It was moved to recommend **approval** of a CH Clustered Housing District with deed restrictions volunteered by the applicant for a maximum of 8 units per acre and a 50 ft. no-build area on the western property line, on property zoned an MF-1(A) Multifamily District and a TH-3(A) Townhouse District on the south side of Camp Wisdom Road, east of R.L. Thornton Freeway, subject to deed restrictions volunteered by the applicant.

Maker: Scott
Second: Wise
Result: Carried: 12 to 0

For:	12 -	Avery, Smith, Garza, Emmons, Wheat, Scott, Brandon, Perkett, Cunningham, Mendoza, Marshall, Wise
Against:	0 -	
Absent:	2 -	Wilke, Stokes
Vacancy:	1 -	District 5

Notices:	Area:	500'	Mailed:	90
Replies:	For:	0	Against:	3

Speakers: None

COD_CSO 0002754

SOUTHWEST HOUSING DEVELOPMENT, INC.

Brian Potashnik, President
Cheryl Potashnik, Vice President
Jack Potashnik, Director

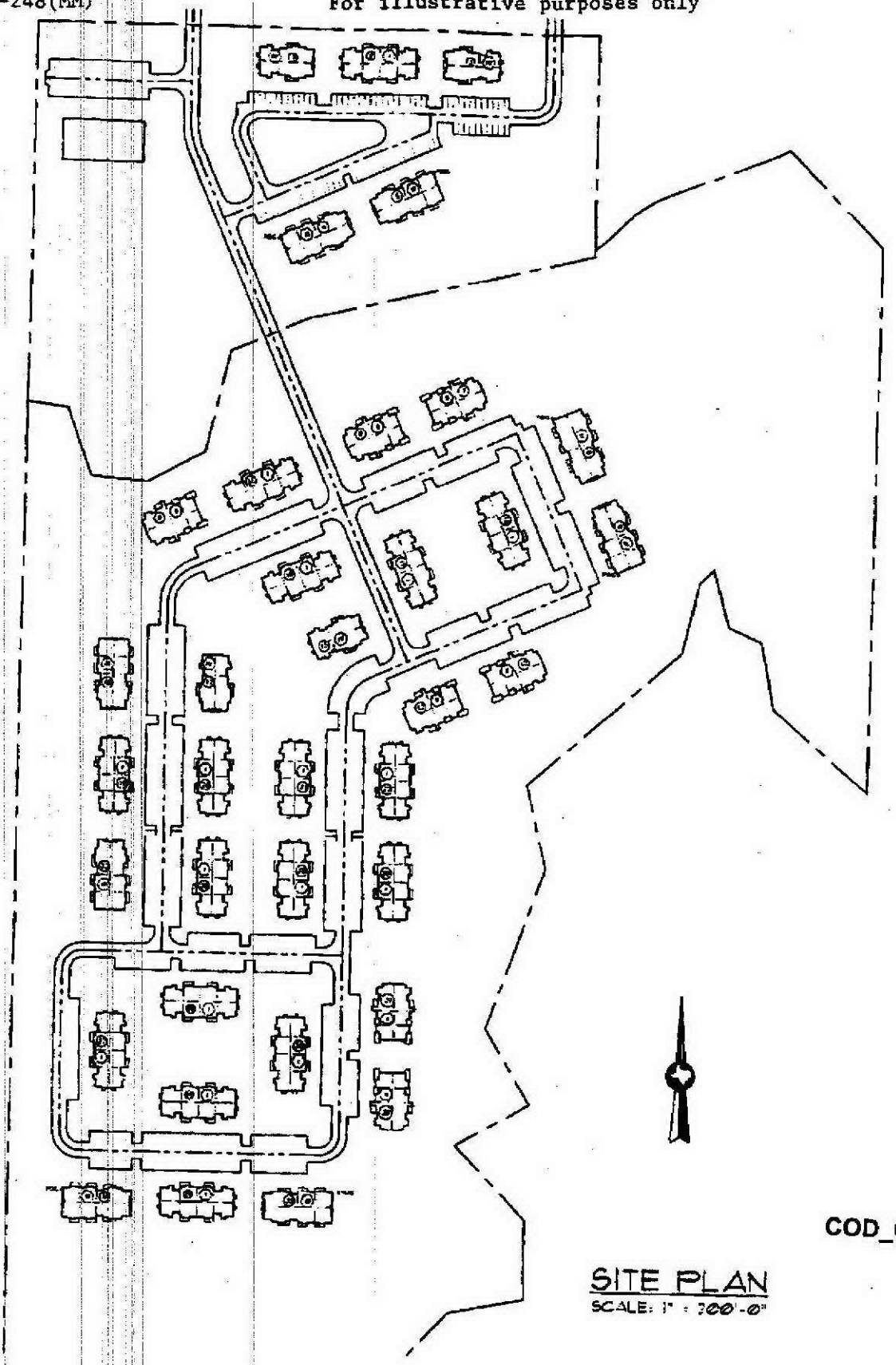
COD_CSO 0002755

Z023-248 (MM)

Officers/Management for TX Laureland

Brian Potashnik, Managing General Partner

For illustrative purposes only

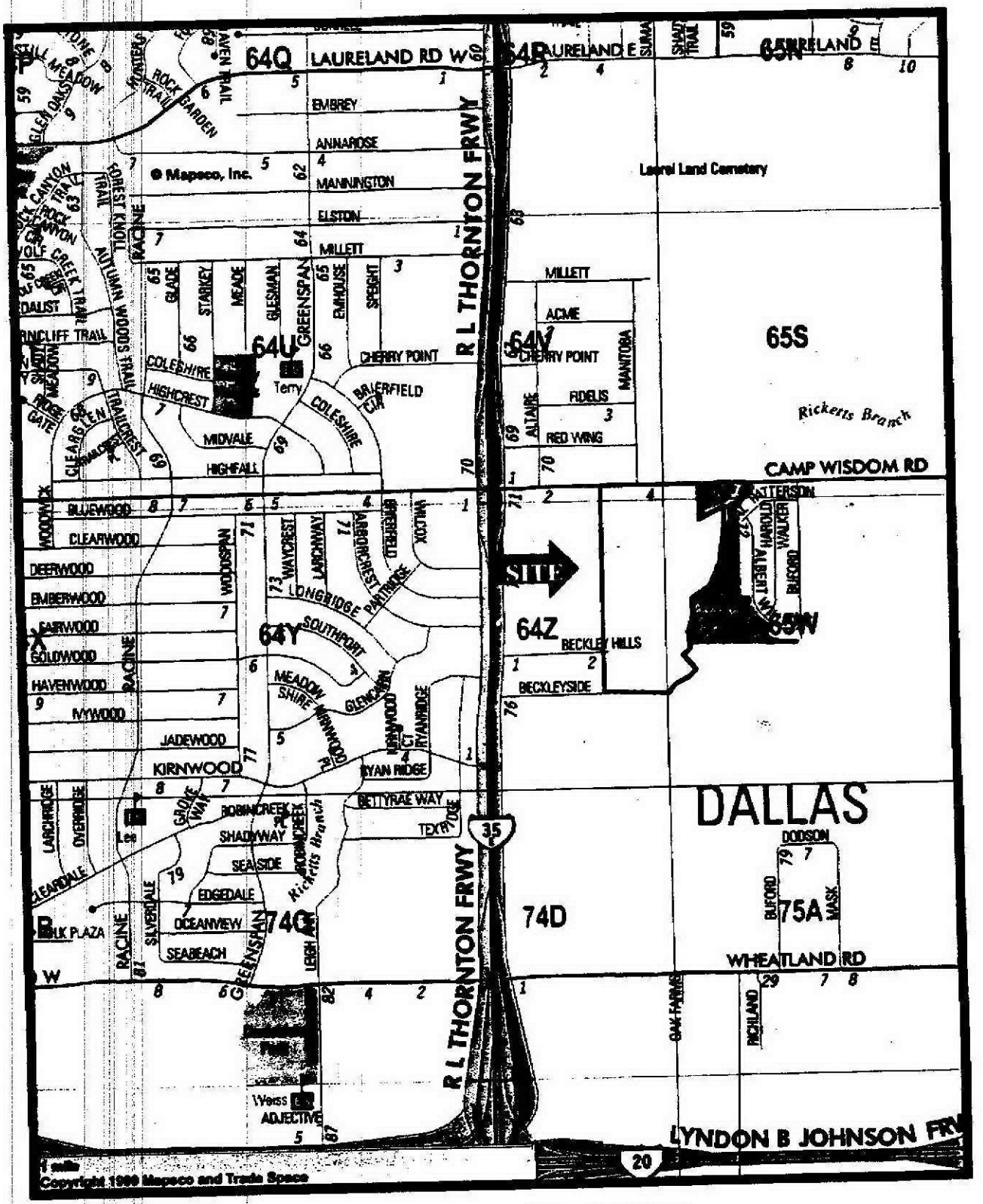


SITE PLAN
SCALE: 1" = 200'-0"

COD_CSO 0002757

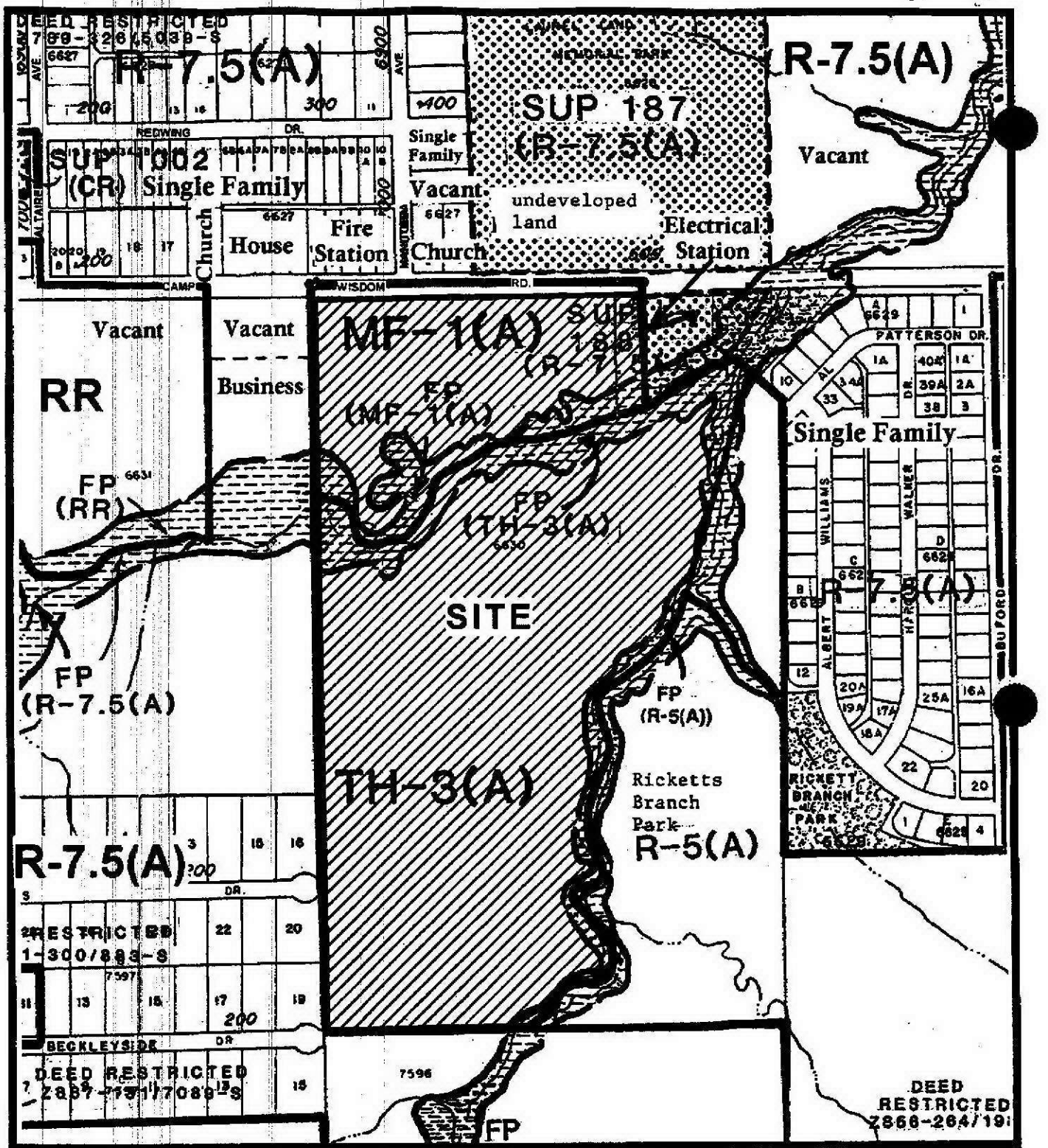
R:\Southwest AH\03024\Plots\03024A1.2.dwg, 07/14/2003 02:30:32 PM, PDF995.pc3, WLS,WLS

VICINITY MAP



Z023-248/11954(MM)

COD_CSO 0002758



NORTH

0 200 400

SCALE IN FEET

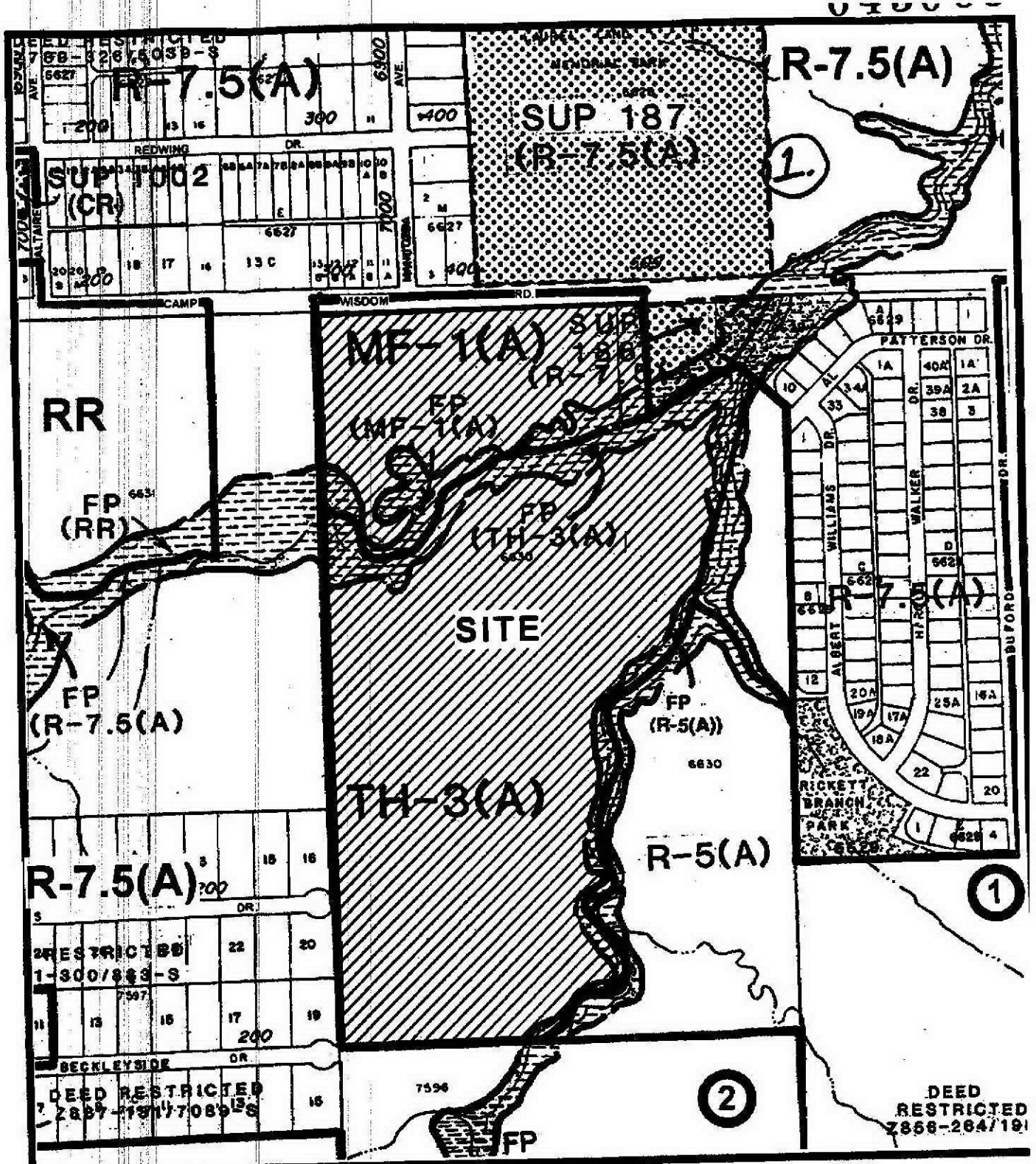
ZONING AND LAND USE

MAP NO. P-7

CASE NO. Z023-248/11954(MM

07-01-03

COD_CSO 0002759 10



NORTH
0 200 400
SCALE IN FEET

ZONING HISTORY

MAP NO. P-7

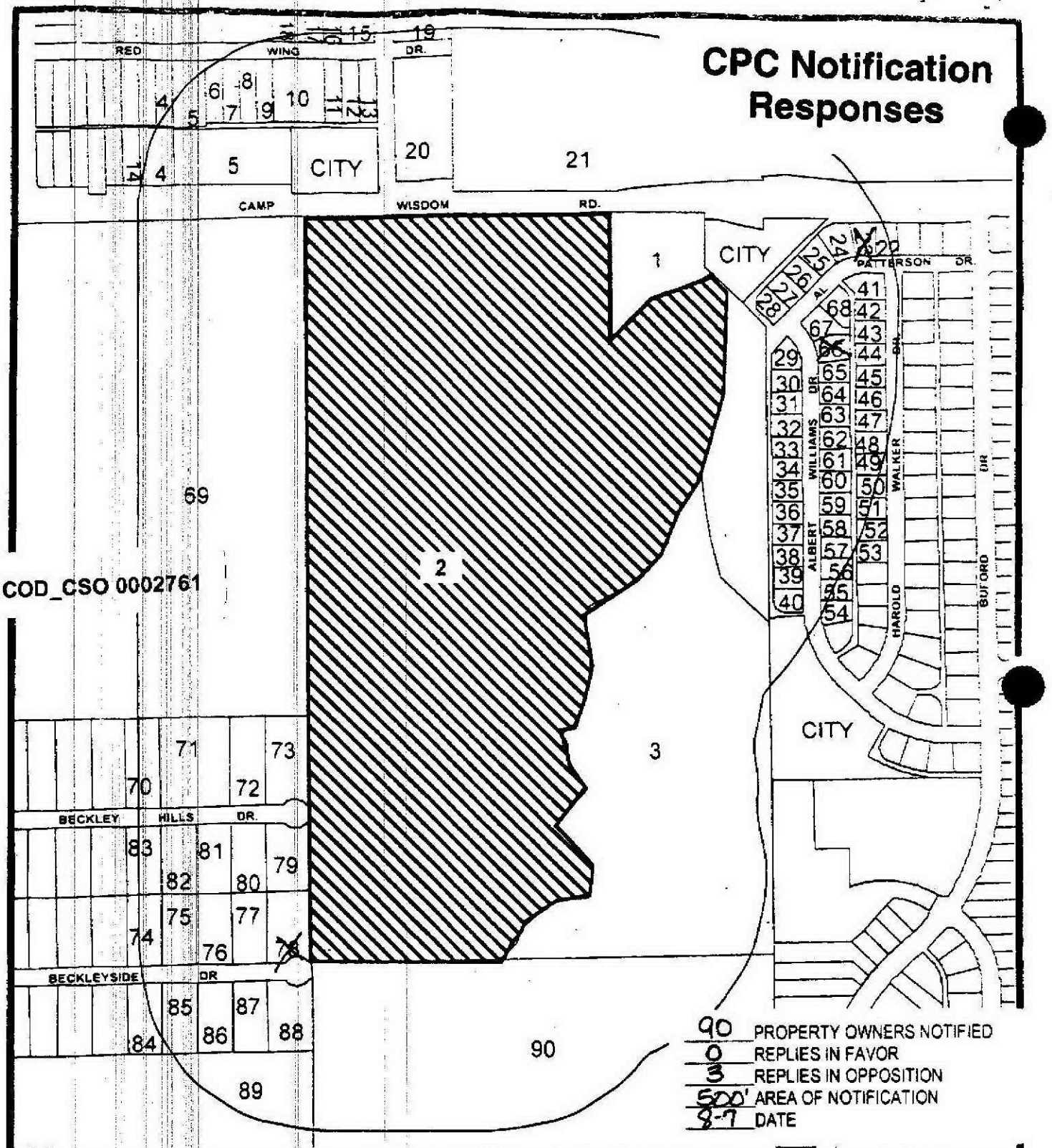
CASE NO. Z023-248/11954(MM)

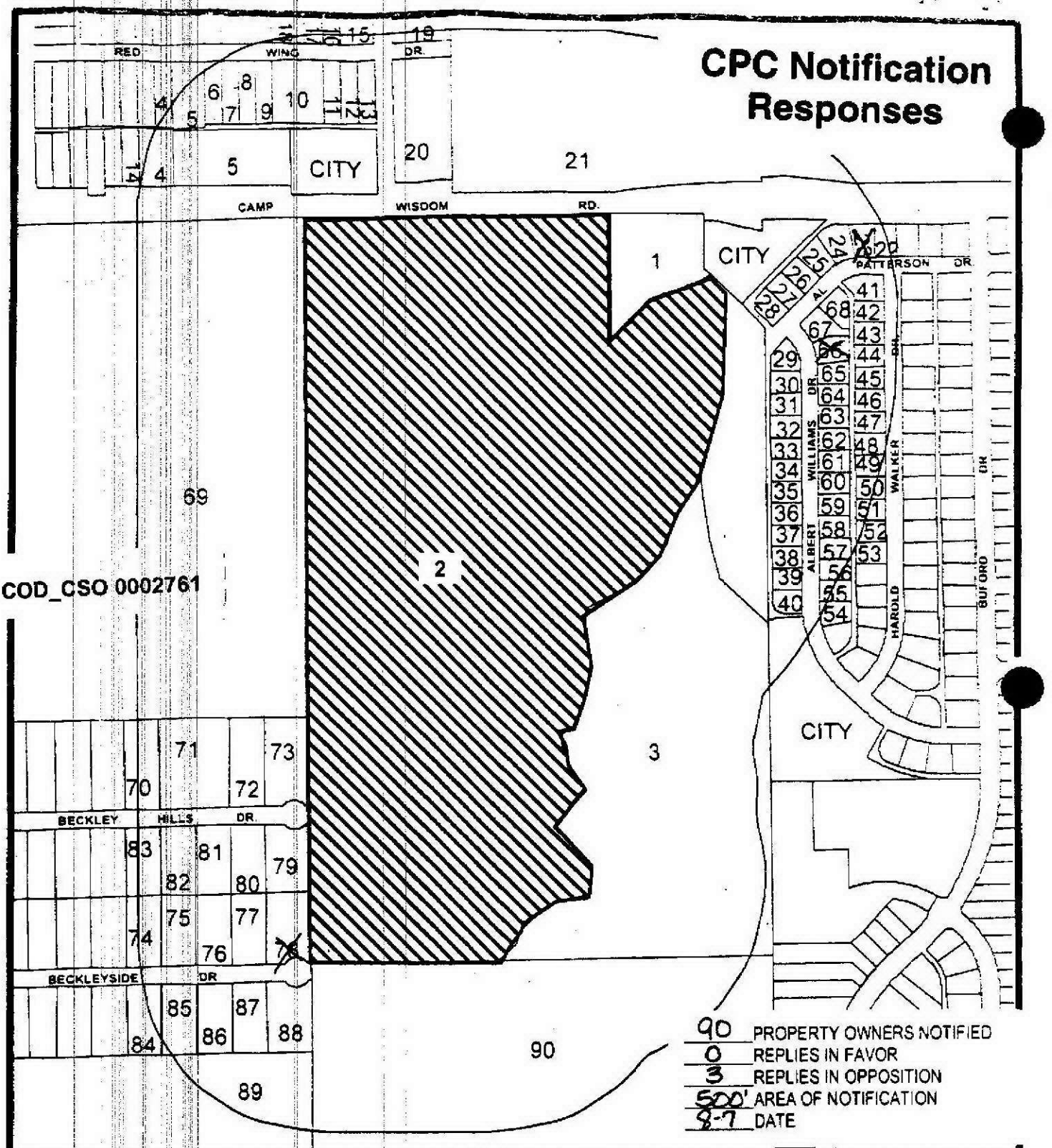
07-01-03

11

COD_CSO 0002760

027


CPC Notification Responses
RED WING
DR.
CAMP
WISDOM
RD.
CITY
PATTERSON DR.
WILLIAMS DR.
ALBERT
WALKER DR.
HAROLD
BUFORD DR.
BECKLEY HILLS DR.
BECKLEYSIDE DR.
COD_CSO 0002761
90 PROPERTY OWNERS NOTIFIED
0 REPLIES IN FAVOR
3 REPLIES IN OPPOSITION
500' AREA OF NOTIFICATION
8-7 DATE
NORTH
0 200 400
SCALE IN FEET
NOTIFICATION
500' Area of Notification
90 Property Owners Notified
Map No. P-7
Case No. Z023-248/11954(MM)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RED
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DR
WILLIAMS
WALKER
ALBERT
HAROLD
BUFORD
BECKLEY
HILLS
DR.
BECKLEYSIDE
DR
COD_CSO 0002761
1
2
3
69
90
89
90 PROPERTY OWNERS NOTIFIED
0 REPLIES IN FAVOR
3 REPLIES IN OPPOSITION
500' AREA OF NOTIFICATION
8-7 DATE
NORTH
0 200 400
SCALE IN FEET
NOTIFICATION
500' Area of Notification
90 Property Owners Notified
Map No. P-7
Case No. Z023-248/11954(MM)

Notification List of Property Owners

Z023-248/11954-(MM)(VJ)

90 Property Owners Notified

Label #	Applicant	OWNER	BLOCK	OVER	LOT
	A	SOUTHWEST HOUSING DEVELOP			
	R	MASTERPLAN			
1		TEXAS UTILITIES ELEC CO	6630	000	001
2	O	HARGROVE MADELINE N	6630	000	002
3		NUHOME DESIGNS L L C	6630	000	002
4		GRAY EARLENE	6627	00E	04B
5		MT SINAI CHURCH OF	6627	00E	005
6		RODRIQUEZ DOMINGO &	6627	00E	06B
7		MT SINAI CHURCH OF GOD	6627	E00	006
8		MARTINEZ HENRY G & OLGA	6627	00E	07A
9		NORMAN RONALD V	6627	00E	07B
10		CARRINGTON JOE & MILDRED	6627	00E	08B
11		SPENCER BOB A & SHIRLEY	6627	00E	09B
12		WOMACK JOHN & ANNIE	6627	E00	10A
13		BUFFORD DONEL EARL &	6627	00E	10B
14		GRAY WILLIE & CYNTHIA	6627	00E	018
15		GURRUSQUIETA PRIMO &	6627	00F	011
16		LOPEZ OLIVIA ESTATE OF	6627	F00	012
17		SHARP T H	6627	00F	012
18		COLEMAN JOHN J	6627	F00	013
19		YOUNG JONAS R &	6627	00L	009
20		PLAIN TRUTH CHURCH OF	6627	M00	001
21		LAUREL LAND MEMORIAL	6903	000	001
22		DAVIS WELTON & MANDY	6629	00A	004
X 23		WASHINGTON DOROTHY	6629	00A	005
24		HODGE HOWARD LEE	6629	A00	006
25		ELLIS LLOYD D	6629	A00	007
26		TIPPS RAYMOND III	6629	A00	008

COD_CSO 0002762

Label = Applicant	OWNER		BLOCK	OVER	LOT
27	LOWRIE WILLIAM & VIRGINIA		6629	00A	009
28	ROBINSON GUSSIE		6629	00A	010
29	LOCKETT EMMETT J JR		6629	00B	001
30	GELLINGTON DARROLD		6629	00B	002
31	GILES HENRY JR		6629	00B	003
32	WARD MACK		6629	B00	004
33	DURDEN ERNESTINE		6629	B00	005
34	TATUM LOUIS		6629	B00	006
35	TANKSLEY EDWARD L		6629	B00	007
36	DUNBAR CURTIS C JR		6629	B00	008
37	TARVER JOSEPHINE		6629	B00	009
38	NEWHOUSE GLORIA F		6629	00B	010
39	HAMILTON LENA M		6629	B00	011
40	REESE ALVA J		6629	B00	012
41	HAYNES DOROTHY L		6629	C00	01A
42	SNEED HERMAN R		6629	00C	002
43	STALEY ESTER LENA &		6629	00C	003
44	SMITH BETTIE NELL		6629	C00	004
45	ROACH TRACI		6629	00C	005
46	LEWIS DOROTHY M		6629	00C	006
47	SHAMLIN LYNETTE		6629	C00	007
48	FRY BILLIE D WILLIAMS		6629	C00	008
49	SHED WILLIE NELL		6629	00C	009
50	FERRELL WILLIE L		6629	C00	010
51	BURNS ROSETTA		6629	C00	011
52	TAYLOR WILLIAM E		6629	C00	012
53	MORRISON JAY &		6629	C00	013
54	WALKER JOHNNY B		6629	C00	20A
55	DICKERSON JOHN L	COD_CSO 0002763	6629	00C	021
56	STEELE DONNIE		6629	C00	022
57	CHILDERS ROY & LINDA		6629	00C	023
58	WALLACE MINNIE		6629	00C	024
59	RUSSELL DORIS JEAN		6629	C00	025
60	FORD DORIS JEAN		6629	C00	026

Label =	Applicant	OWNER	BLOCK	OVER	LOT
61		ROBERTS GLORIA FAYE	6629	C00	027
62		WILLIAMS BRUCE M	6629	C00	028
63		LOOMIS JAMES C	6629	00C	029
64		MACK CARLTON E & HELEN	6629	C00	030
65		COLLIER LOURICE	6629	C00	031
X 66		SMITHROSS KRYSTAL L	6629	00C	032
67		ANSON FINANCIAL INC	6629	C00	033
68		THOMPSON NOLAN B &	6629	00C	34A
69		HAIZLIP T J	6631	000	001
70		RICHARDSON GEORGE A	7597	A00	012
71		HUERTA SYLVESTER	7597	00A	013
72		CARTER ANTHONY BLANE SR &	7597	00A	015
73		JACKSON WILLIAM R	7597	00A	016
74		MIDDLETON CHARLOS A	7597	00B	015
75		BISOR RICKY L	7597	00B	016
76		HERMAN JEFFREY J &	7597	00B	017
77		LUTZ JAMES	7597	00B	018
X 78		RODRIGUEZ JUAN T &	7597	00B	019
79		JONES RAYMOND O	7597	B00	020
80		BULLOCKS LINDA F	7597	00B	021
81		COOKS PATRICIA A	7597	B00	022
82		MIDDLETON VAL C	7597	00B	023
83		PERRY SHERRY YVONNE	7597	00B	024
84		WALLACE RUFUS A	7597	C00	011
85		WALLACE.MARY VIRGINIA	7597	C00	012
86		TILLER JUDY KAY	7597	C00	013
87		BANKS JAMES	7597	00C	014
88		JACKSON LISA	7597	00C	015
89		NEVREL LTD	7594	000	001
90		DEMELLO IGNATIUS & LILY I	7596	000	000

COD_CSO 0002764

Early Notif. Z023-248 (mm)

*Donald Hill
City Councilmember
District 5
5FN

Anthony Jones
PO Box 0711
Galveston, TX 77553

D.J. Young
3600 Fairfax
Dallas, TX 75209

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Steve Craft
P O Box 542225
Dallas, TX 75354

.Arborilogical Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

.Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

.Greater Dal. Com Rel.
Joyce Lockley
400 S Zang, #1025
Dallas, TX 75208

.Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

*Ronald W. Stinson
Vice Chair
District 5

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Signs Manufacturing
4610 Mint Way
Dallas, TX 75236

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

.Dallas Asoc for Decency
Dan Panetti
P O Box 794647
Dallas, TX 75379

.Dallas Planning Asoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

.Hidden Valley/ NIA
Sandra Crenshaw
4041 W Wheatland Rd #156
Dallas, TX 75237

.Master Plan
Karl Crawley
500 S Ervay St. #112-B
Dallas, TX 75201

Al Romero
PO Box 870875
Mesquite, TX 75150

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Joe Martin
P O Box 4133
Dallas, TX 75208

Rob Baldwin
1445 Ross Ave #4000
Dallas, TX 75202

Stephanie Pegues
1500 Marilla 5FS
Dallas, TX 75201

.Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

.Dallas Homeowners
Mary Jane Beaman
6159 La Vista Drive
Dallas, TX 75214

.FW Dodge Reports
Ace Braswell
1341 W Mockingbird =1101E
Dallas, TX 75247

.Jenkins & Gilchrist
Myron Dornic
1445 Ross Ave, #3200
Dallas, TX 75202

.Micheal R Coker Co
Michael R Coker
6350 LBJ Frwy #158
Dallas, TX 75240

COD_CSO 0002765

Minyards Properties Inc
David Hardin
777 Freeport Pkwy
Coppell, TX 75019

.Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

.United Homeowner
Raymond Montgomery
7535 Oak Garden
Dallas, TX 75232

Creek Side NA
David & Alie Bullock
3916 Morning Springs Trl
Dallas, TX 75224

Creek Side NA
Gwendolyn Swann
543 Early Dawn Trl
Dallas, TX 75224

Creek Side NA
Janice & Virgil Board
4025 Morning Springs Trail
Dallas, TX 75224

Elderoaks Civic HOA
Victoria F Welcome
2319 Elderoaks Lane
Dallas, TX 75232

Mt. Lakes NA
LLoyd Powell
136 S Merryfield Rd.
Dallas, TX 75211

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

.Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

.United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

Erman Dodd
3423 Navajo Ct.
Dallas, TX 75224

Creek Side NA
Ed Livingston
717 W Pentagon Pkwy
Dallas, TX 75224

Creek Side NA
Helen & Willie Lacy
3807 Morning Spring Trail
Dallas, TX 75221

Creek Side NA
Marion Barnett
3912 Morning Frost
Dallas, TX 75224

Glen Oaks HOA
Eli Davis
912 Timber Dell Ln
Dallas, TX 75232

Oak Cliff Tribune
Kathie Magers
115 N Edgefield Ave
Dallas, TX 75208

Polk Terrace N A
Deborah Love
818 Kirnwood
Dallas, TX 75232

.PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

.United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Creek Side NA
Eura Burford
633 W Pentagon Pkwy
Dallas, TX 75224

Creek Side NA
Isaac & Ruthie Tippens
607 Cove Hollow Dr.
Dallas, TX 75224

Creek Side NA
Charles Curry
3831 Morning Springs Trl.
Dalllas, TX 75224

Kimball United
Dwain T Haxel
P O Box 1404
DeSoto, TX 75123

Oakland Terrace HA
W. David Klempin
941 Golden Trophy Dr.
Dallas, TX 75232

COD_CSO 0002766