



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 <input type="checkbox"/>	Prospective Buyer <input checked="" type="checkbox"/>			Individual <input type="checkbox"/>	Corporation <input type="checkbox"/>
Tenant <input type="checkbox"/>				Partnership <input checked="" type="checkbox"/>	Trust <input type="checkbox"/>
Name:	Provident Realty Advisors, Inc.	Name:	Kirk R. Williams	Name:	TVO Arbors Partners, L.P.
Address:	5400 LBJ Freeway, Suite 975	Address:	5400 Renaissance Tower, 1201 Elm Street	Address:	c/o Urdang & Assoc. Real Estate Advisors 630 W. Germantown Pike, Suite 321
City/ST/Zip:	Dallas, Texas 75240	City/ST/Zip:	Dallas, Texas 75270	City/ST/Zip:	Plymouth Meeting, Pennsylvania 19462
Telephone:	(972) 239-8500	Telephone:	(214) 745-5400	Telephone:	(610) 834-9500
Fax:	(972) 239-8373	Fax:	(214) 745-5390	Fax:	(610) 834-9505
E-mail:		E-mail:	kwilliams@winstead.com	E-mail:	
SEE ATTACHED		<i>Kirk R. Williams 11/9/02</i>		SEE ATTACHED	
Signature of Applicant				Signature of Owner	

Existing zoning:	PD No. 29	Location & cross street:	North of Walnut Hill Lane, West of Central Expressway	
Mapscos no.	26-J & N	Request:	The applicant is requesting a change in zoning from Planned Development District No. 29 to an MU-3(SAH) District with proposed deed restrictions.	
Zoning map no.	E-8 & F-8			
Council district	11			
School district	DISD			
Census tract no.		Lot(s)/Block(s):	Part of City Block 5455	Size of request: 42.148 ac.

Areas below to be completed by staff during application intake.

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

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

2 year waiver:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Filing fee: \$ 11,349.00	Sign fee: \$ 50.00	Date filed: 3-18-04
Escarpment:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Receipt no. 130714	Receipt no. 30714	Accepted by: JS
Floodplain:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Notification area: 500 FT.	No. of signs: 5	Date withdrawn:

Tentative CPC	Planner:	File No.: 2034202
Hearing Date: MAY 6, 2004		



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Zoning Fee/Sign Schedule

October 2002

General Zoning Change	0 to 1 acre	>1 acre to 5.0 acres *	>5.0 acres to 15 acres *	>15.0 acres to 25 acres *	>25.0 acres *
Fee	\$1,050.00	\$2,610.00	\$5,820.00	\$9,315.00	\$9,315 + \$113 for each acre over 25 to a maximum of \$37,500
Notification area	200 ft.	300 ft.	400 ft.	400 ft.	500 ft.

* Any fraction of an acre is rounded up to the next acre.

Notification Signs

- ✓ One sign must be posted for each 5 acres of property up to a maximum of 5 signs.
- ✓ Signs cost **\$10.00 each**, which is due upon submission of a completed application.
- ✓ The sign(s) must be posted **at least 10 days** before the scheduled City Plan Commission hearing date.
- ✓ The sign(s) must be **visible from all street frontages**.
- ✓ Signs not properly displayed leave the City Plan Commission only two considerations:
 - 1) denial of the request or
 - 2) postponement until the proper ten day posting is accomplished.

I have read and understand my responsibility regarding the legal posting of notification signs.

FRI
SAT
SUN

Monday (by 1:30 p.m.)

Tentative posting date

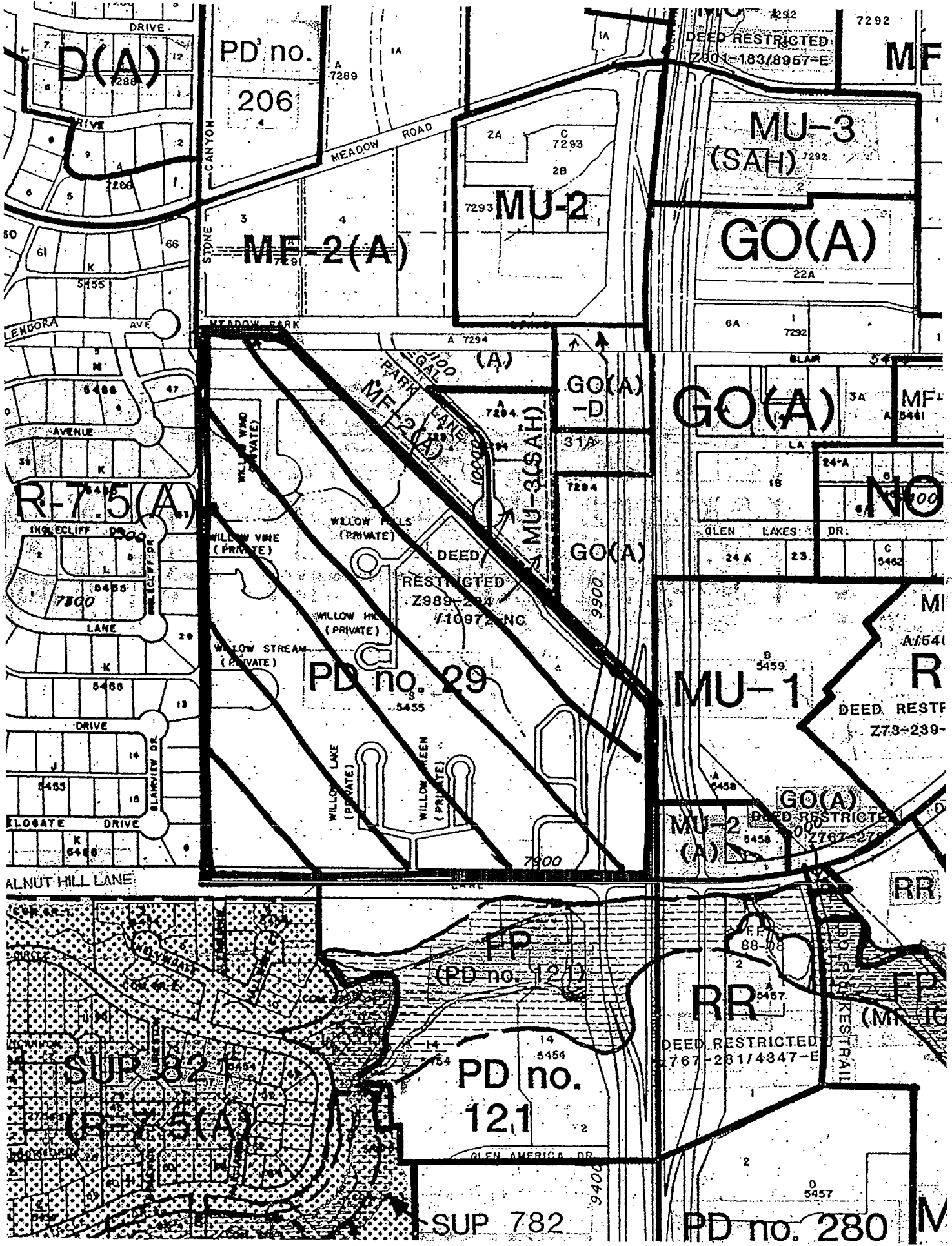
APRIL 26, 2004

Kirk R. Williams 11/15

Applicant signature

3/18/04

Date



D(A)

PD no. 206

DEED RESTRICTED
7201-183/8967-E

MF

MU-3
(SAH)

MU-2

ME-2(A)

GO(A)

LENDORA AVE

MEADOW PARK

MU-2(A)

GO(A)
-D

GO(A)

MF

R-7.5(A)

DEED RESTRICTED
Z989-204
/10972-NG

GO(A)

NO

INGLIS CLIFF DRIVE
7800

WILLOW VINE (PRIVATE)

WILLOW HILLS (PRIVATE)

WILLOW HILL (PRIVATE)

WILLOW STREAM (PRIVATE)

WILLOW LAKE (PRIVATE)

WILLOW GREEN (PRIVATE)

PD no. 29

MU-1

DEED RESTRICTED
Z79-239-

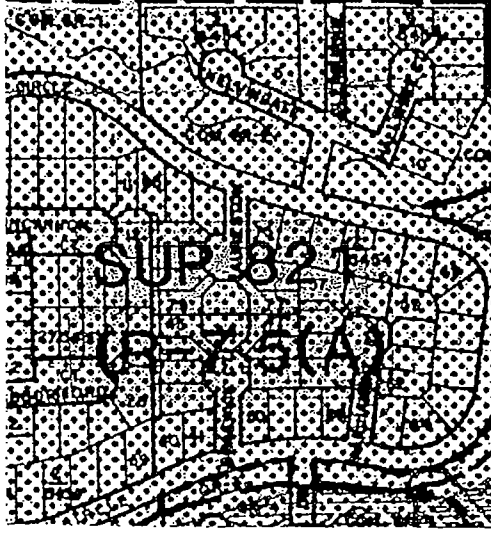
BLAIRVIEW DRIVE
5455

LOGATE DRIVE
5455

ALNUT HILL LANE

MU-2
DEED RESTRICTED
Z767-277

RR



FP
(PD no. 121)

RR

FP
(M)

SUP 132

UP-7.5(A)

PD no. 121

DEED RESTRICTED
Z767-281/4347-E

SUP 782

PD no. 280

DEED RESTRICTIONS

DRAFT

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, TVO ARBORS PARTNERS, L.P. ("the Owner"), is the owner of the following described property ("the Property"), being a tract of land situated in the City of Dallas, Dallas County, Texas and being part of the C.S. Roberts Survey, Abstract No. 1190, and being all of Lot 1, Block 5/5455 of the Willow Creek Addition, an addition to the City of Dallas according to the Plat recorded in Volume 933, Page 679 of the Map Records of Dallas County, Texas, and all of Lot 1A, Block 5/5455 of the Willow Creek Addition, an addition to the City of Dallas according to the Plat recorded in Volume 93196, Page 2199 of the Deed Records of Dallas County, Texas and being more particularly described in the attached Exhibit "A" incorporated herein by reference.

II.

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

1. No more that 600 "new multi-family units" may be constructed on the Property. For purposes of these Deed Restrictions, a "new multi-family unit" is defined as a multi-family unit (as defined by the Dallas Development Code) that is constructed on the Property after the date of the filing of these Deed Restrictions with the Real Property Records of Dallas County, Texas. This restriction neither affects nor concerns the multi-family units existing on the Property as of the date of the filing of these Deed Restrictions with the Real Property Records of Dallas County, Texas. Any multi-family unit that existed on the Property as of the date of the filing of these Deed Restrictions with the Real Property Records of Dallas County, Texas may be remodeled, renovated, repaired and/or rebuilt in case of a casualty loss and will not count towards the maximum 600 "new multi-family units."

2. The maximum permitted floor area for all non-residential uses is 550,000 sq. ft.

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 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 their 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.

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, "PART II OF THE DALLAS DEVELOPMENT CODE," 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 of this instrument 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 ____ day of _____, 2004.

Owners:

TVO ARBORS PARTNERS, L.P.
a Texas limited partnership

By: TVO WALNUT HILL, INC.
Its: General Partner

By: _____
Vincent Sanfilippo, Vice President

CONSENT AND CONCURRENCE OF
LIENHOLDER:

Property Lienholder or Mortgagee

By: _____

Print Name: _____



Receipt No 30714

CITY OF DALLAS
DEPARTMENT OF PLANNING AND DEVELOPMENT

3-18 20 04 CASH/AMT. _____ TOTAL _____
CK/AMT. # 4293 \$ 11399.00

RECEIVED FROM PRA Investments LTD
(NAME) 975 One Lincoln Centre 5400 LBJ Fwy Dallas, TX
(ADDRESS) 75240

THE SUM OF Eleven thousand three hundred Ninety Nine DOLLARS

- COPY/XEROX _____ @ _____
- ZONING APPLICATION # 7034-202
- REPORTS _____ @ _____ FEE 11349.00
- MAPS _____ @ _____ 35% 3972.15 65% 7376.85
- OTHERS _____ @ _____
- ZONING NOTIFICATION SIGN 5@100
- MISC. DOCKET ITEMS _____

BY CA

Land Use Statement

N.W. CORNER OF WALNUT HILL AND CENTRAL EXPRESSWAY

The applicant is the prospective purchaser of the property and is requesting a change in zoning from Planned Development District No. 29 to an MU-3(SAH) district with proposed deed restrictions. The site is located at the northwest corner of Walnut Hill Lane and Central Expressway and contains approximately 42.148 acres of land. The eastern portion of the site fronts Central Expressway. Across Central Expressway are properties zoned MU-1, MU-2, GO(A) and RR and consist of developed retail and office sites. South of the site across Walnut Hill Lane at the southwest corner is a developed retail site that is zoned PD 121. Just west of PD 121 is property zoned Sup 821 which is developed with both multi-family and single-family developments. West of the site is a developed single-family neighborhood that is zoned R-7.5(A). North of the site is developed multi-family zoned MF-2(A). Also north of the site fronting Central Expressway is a LaQuinta Hotel on property zoned GO(A).

The majority of the site is currently developed with 850± multi-family units. Along the eastern boundary fronting Central Expressway, the site is developed with existing retail uses and a gas station at the corner at Walnut Hill. The applicant is requesting to change the zoning on the site in order to redevelop the site with a mix of retail, office and residential uses. The applicant is proposing deed restrictions on the property that will limit the floor area for all non-residential uses to a maximum of 550,000 square feet. In addition, the applicant is proposing to restrict the property to a maximum of 600 "new multi-family" units that will be part of the site's redevelopment as most of the existing multifamily units will be demolished. The "new multi-family" units will be located on the western portion of the site adjacent to the exiting adjacent single family development. The proposed office and retail uses will be located on the eastern portion of the site and oriented to Central Expressway.