

FILE NUMBER: Z234-112(MB) **DATE FILED:** October 25, 2023

LOCATION: Southwest line of Peavy Road, northwest of Garland Road

COUNCIL DISTRICT: 9

SIZE OF REQUEST: Approx. 42,253 sq. ft. **CENSUS TRACT:** 48113008200

OWNER: Mihey Yeom, Peavy Plaza LLC

APPLICANT: Sammy J. Mandell III

REQUEST: An application for an amendment to Specific Use Permit No. 2220 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. [Greenville Avenue Pizza Co.]

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

BACKGROUND INFORMATION:

- The ±42,253 square-foot request site is developed with a ±10,278 square-foot commercial building.
- The applicant proposes to continue the sale of alcoholic beverages in conjunction with a restaurant in a 1,000-square-foot suite.
- SUP No. 2220 was approved by City Council on November 9, 2016 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a period of two years, with eligibility for automatic renewal for additional five-year periods.
- SUP No. 2220 was automatically renewed on November 9, 2018 for a period of five years.
- SUP No. 2220 expired on November 9, 2023. Applicant filed for renewal on October 25, 2023, outside of the automatic renewal window.
- The applicant requests the renewal of SUP No. 2220 for a five-year period to continue the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. Applicant does not propose any changes to the existing site plan.

Zoning History:

There has been one zoning case in the area in the last five years.

1. **Z201-254:** On March 9, 2022, City Council approved an application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned a CR Community Retail District, located on the southeast line of Garland Road, east of the intersection of Garland Road and Peavy Road

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Peavy Road	Community Collector	60 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not have a significant impact on traffic.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	CR-D-1 Community Retail District	Multi-tenant commercial building
North	D(A) Duplex	Duplex
South	CR	Retail
West	R-7.5(A) Single Family	Single family
East	CR	Retail

Land Use Compatibility:

The request area consists of a multi-tenant commercial building. The applicant is requesting renewal of SUP No. 2220 to continue the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. The site is surrounded by a mix of retail uses as well as nearby residential. Staff finds that ongoing

alcohol sales in conjunction with a restaurant will not have a negative impact on the surrounding area. The proximity to residential uses provides a desirable opportunity for residents to walk to the restaurant and purchase alcoholic beverages, either to consume on-premise or to bring home.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The continuation of alcohol sales in conjunction with a restaurant would not be detrimental to the general welfare of the area. Automatic renewal is recommended as the Specific Use Permit was previously under automatic renewals.

Landscaping:

Landscaping will be provided per Article X regulations, as amended.

Parking:

Parking: Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant is one (1) space per 100 square feet of floor area. Therefore, the ±1,000-square foot restaurant requires ten parking spaces. The applicant has provided 58 spaces, as depicted on the site plan. While a breakdown states the uses within the facility and how parking is provided for each unit, the focus of this application is on the restaurant use and required ten parking spaces.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective,

data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is within a “C” MVA area. To the northeast is an “F” MVA area.

Crime Report:

A copy of the police report of offenses recorded at this property is provided below for the period of November 9, 2018 to October 25, 2023.

Offenses

Offenses (Summary)	Count of Incidents
BURGLARY-BUSINESS	1
MISCELLANEOUS	1
OTHER THEFT	1
Grand Total	3

Arrests

No arrests reported.

Calls

Calls (Summary)	Count of Problem
11B - Burg of Bus	1
12B - Business Alarm	34
21B - Business Hold Up	1
37 - Street Blockage	1
40 - Other	1
40/01 - Other	1
43 - Road Rage	1
58 - Routine Investigation	2
6X - Major Dist (Violence)	1
7X - Major Accident	2
11B - Burg of Bus	1
Grand Total	45

Z234-112(MB)

List of Officers

Peavy Plaza LLC

Mihey Yeom, Owner

Greenville Ave Pizza Co.

Samuel J. Mandell III, Owner

CPC Action
February 1, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2220 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service or a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the southwest line of Peavy Road, northwest of Garland Road.

Maker: Blair
Second: Herbert
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 4

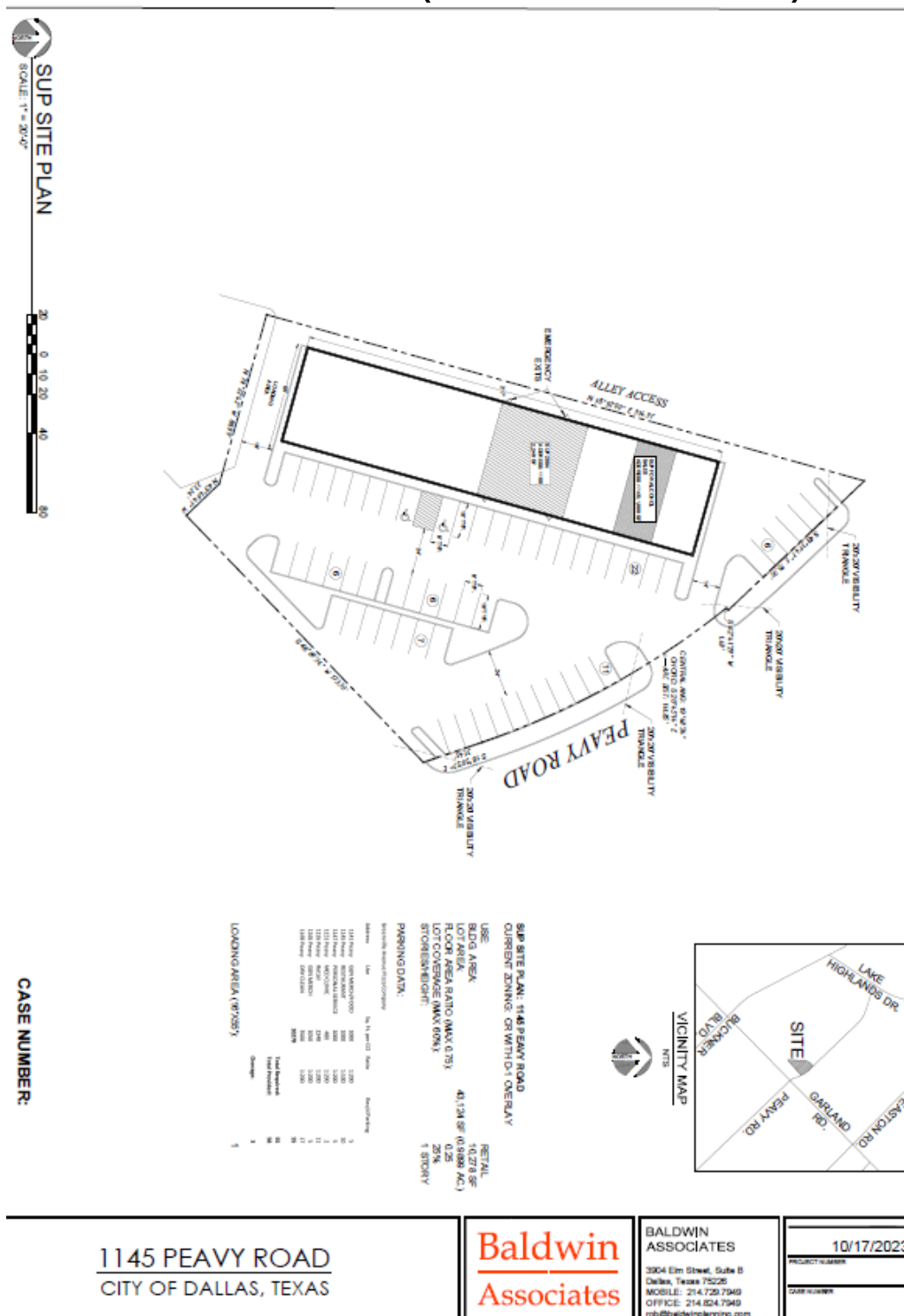
Notices:	Area: 200	Mailed: 21
Replies:	For: 0	Against: 0

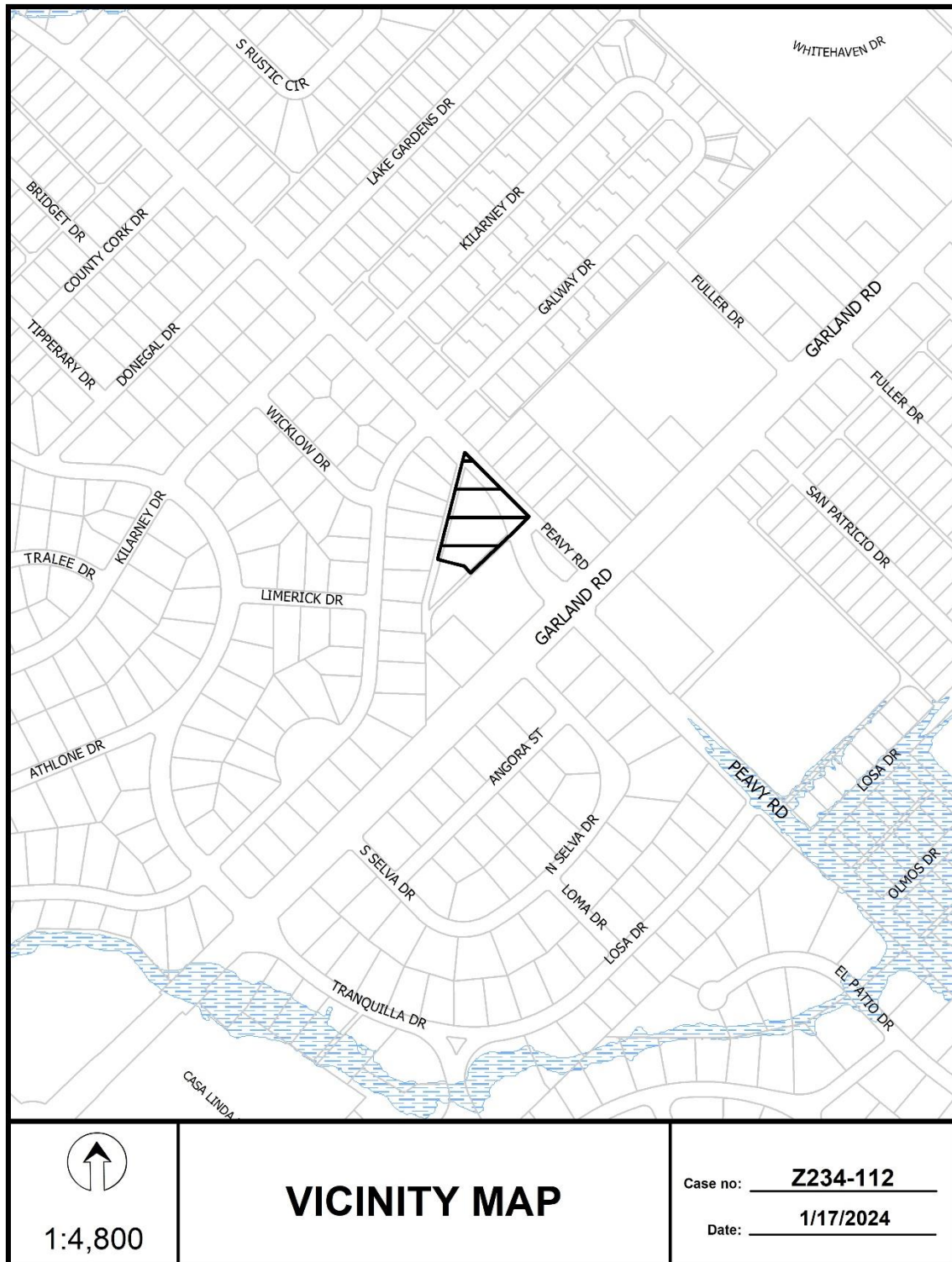
Speakers: None

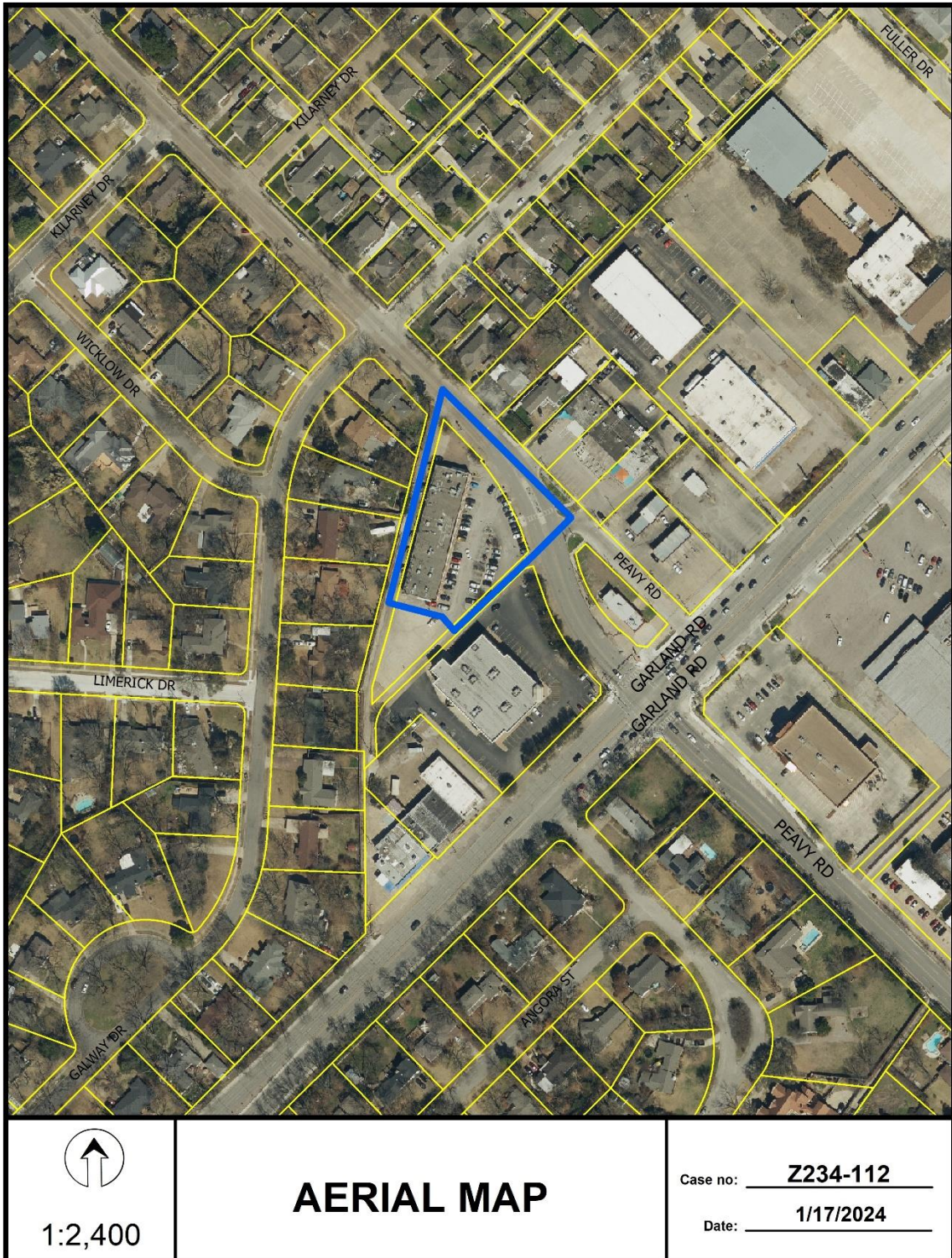
CPC RECOMMENDED CONDITIONS

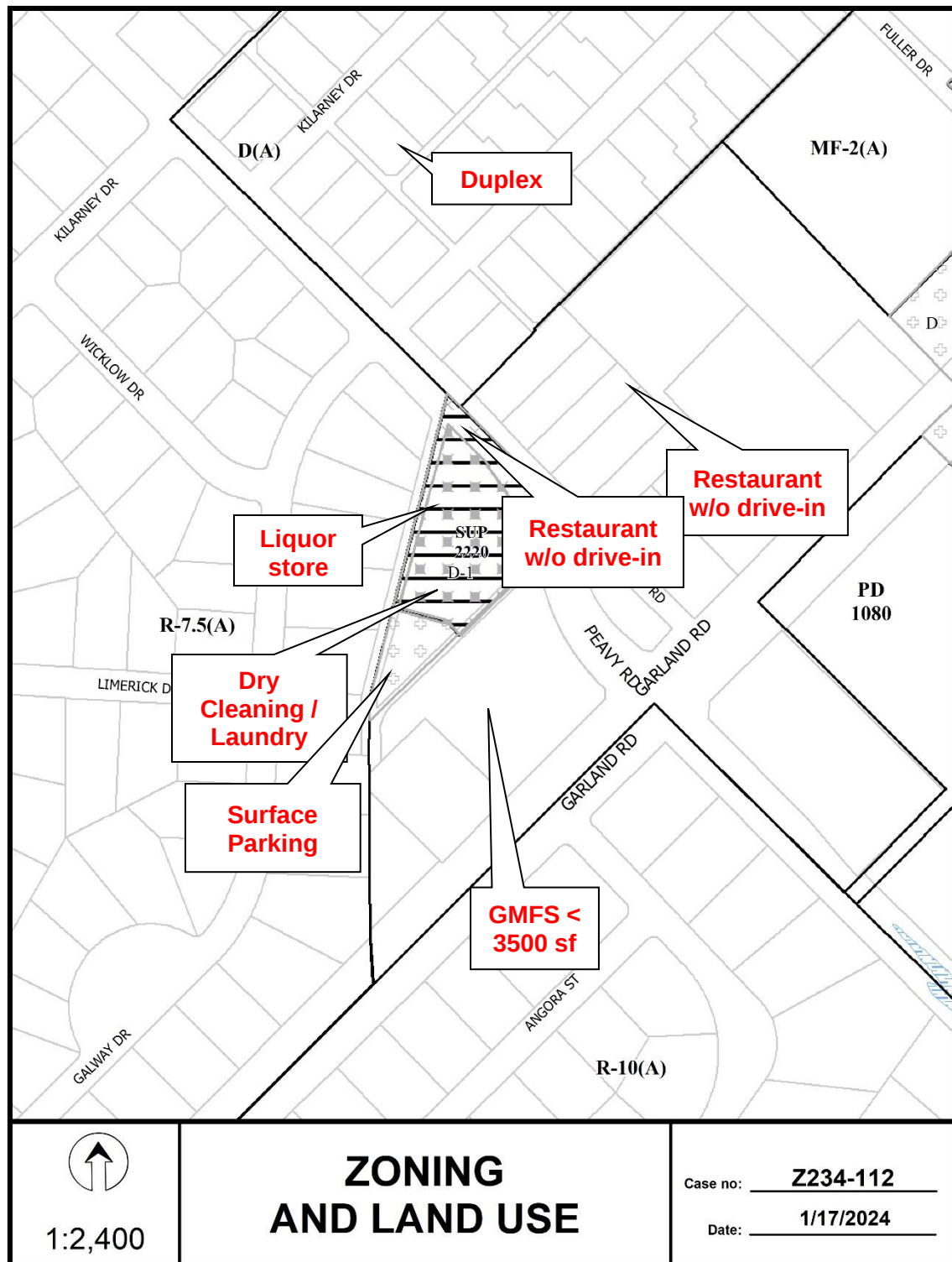
1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on [five years from the passage of this ordinance], but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this Specific Use Permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current Specific Use Permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. **MAINTENANCE:** The property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

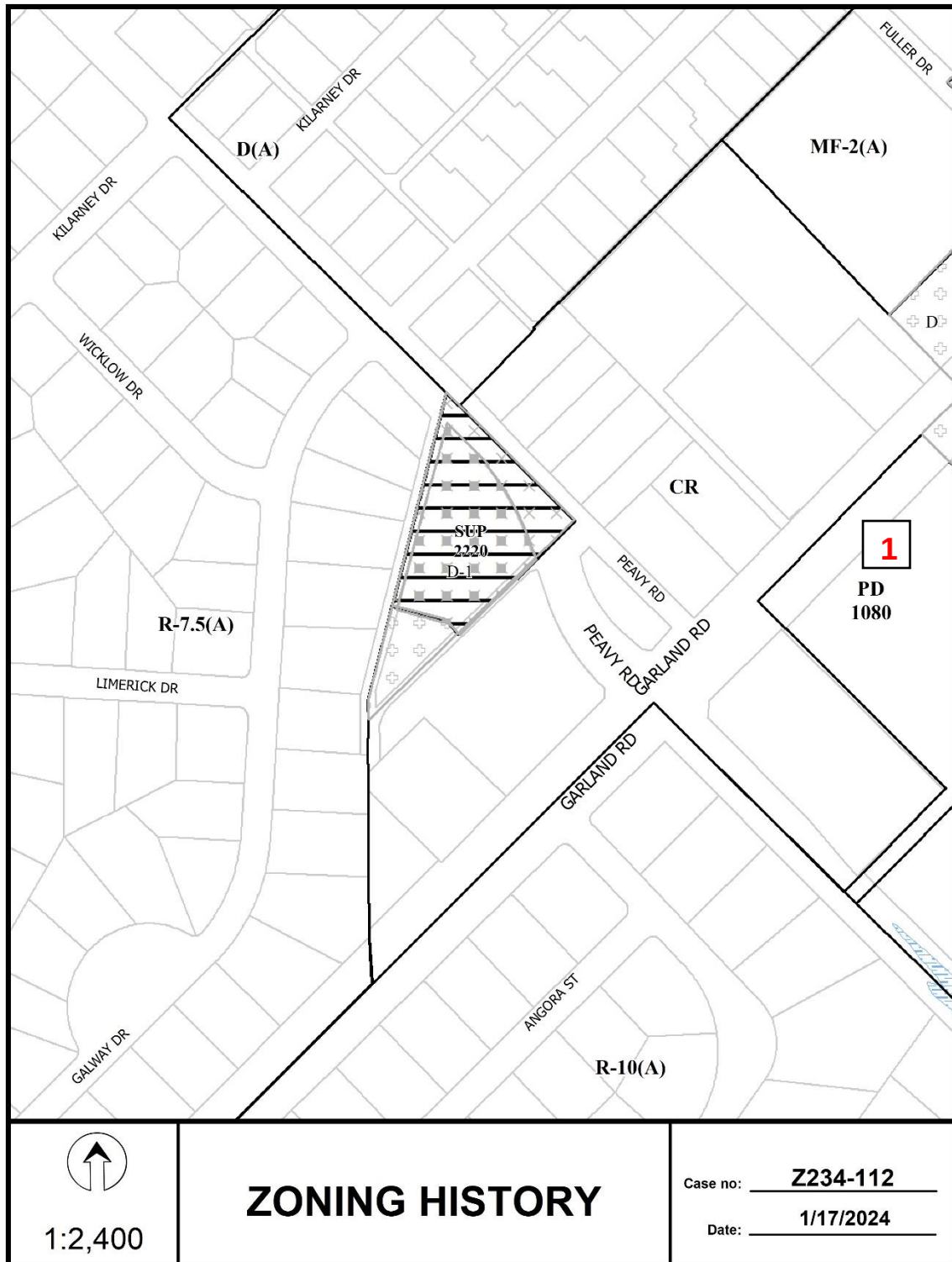
EXISTING SITE PLAN (NO CHANGES PROPOSED)

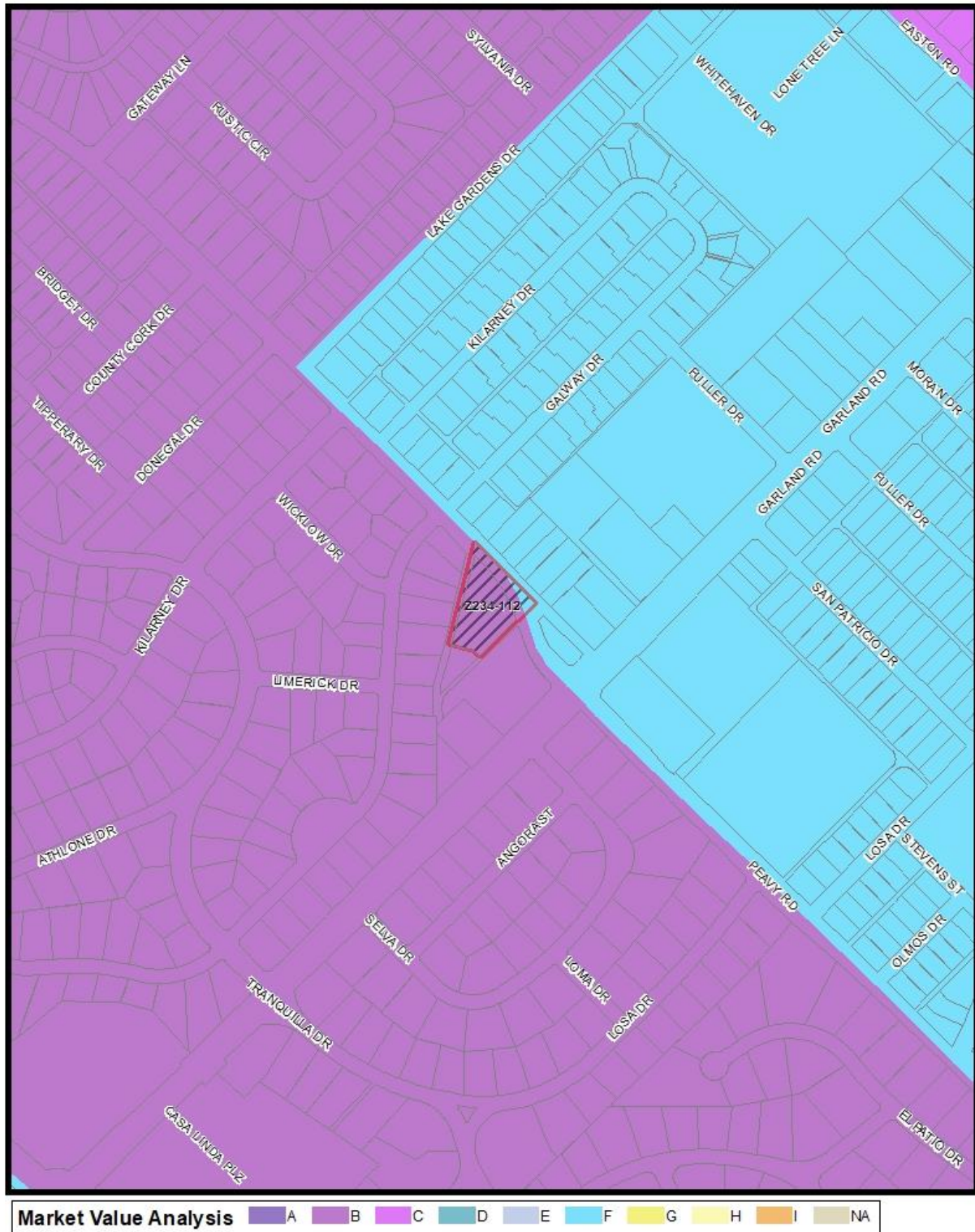








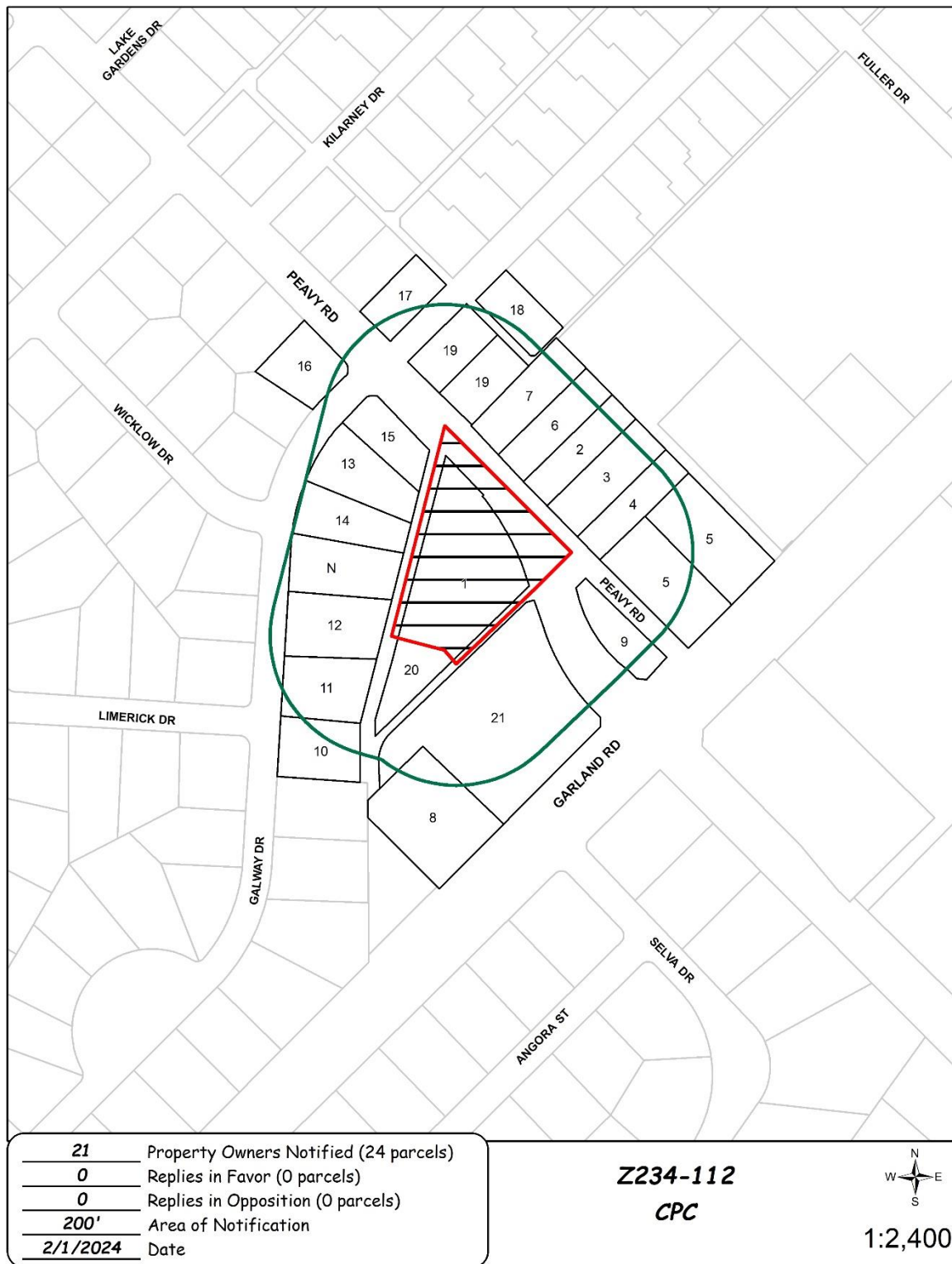




1:4,800

Market Value Analysis

Printed Date: 1/17/2024



01/31/2024

Reply List of Property Owners***Z234-112******21 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1141 PEAVY RD	PEAVY PLAZA LLC
	2	1146 PEAVY RD	AMERICAN DISTRIBUTING COMPANY
	3	1154 PEAVY RD	MLM ROSS LLC
	4	1160 PEAVY RD	REDTAIL COMMERCIAL LLC
	5	10001 GARLAND RD	CWE DALLAS GARLAND LLC
	6	1144 PEAVY RD	MONOPOLY PL DUPLEXES LTD
	7	1140 PEAVY RD	SHAW JEFFREY A
	8	9925 GARLAND RD	GARLAND PEAVY ASSOCS
	9	9947 GARLAND RD	DALLAS ALISHAH
	10	9926 GALWAY DR	Taxpayer at
	11	9934 GALWAY DR	LEITCH MATTHEW &
	12	9942 GALWAY DR	MAXWELL WILLIAM RICHARD &
	13	9966 GALWAY DR	ALTOM JOHNNY W &
	14	9958 GALWAY DR	MORGAN JOHN ANTHONY
	15	9972 GALWAY DR	ALDRETE MIGUEL
	16	9973 GALWAY DR	TURNER JEREMY N & KELSEY M
	17	1118 PEAVY RD	MONROE JOWANNA
	18	10014 GALWAY DR	MORENO MARIA OTLIA
	19	1132 PEAVY RD	MONOPOLY PLACE DUPLEXES
	20	1195 PEAVY RD	GARLAND PEAVY ASSOCIATES
	21	9937 GARLAND RD	9937 GARLAND ROAD