

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z190-139(PD)                      **DATE FILED:** February 20, 2019  
**LOCATION:** East line of Greenville Avenue, north of La Vista Drive  
**COUNCIL DISTRICT:** 14                              **MAPSCO:** 36 X  
**SIZE OF REQUEST:** 0.04 acres                      **CENSUS TRACT:** 11.01

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT/OWNER:** Greenville Parks, LP

**REQUEST:** An application for a new subdistrict within Planned Development District No. 842 with a MD-1 Modified Delta Overlay.

**SUMMARY:** The applicant proposes to create a new subdistrict to allow for an existing building with three suites to be occupied with a mixture of uses with no off-street parking. The mix of uses proposed are retail and personal service uses and office uses.

**CPC RECOMMENDATION:** Approval, subject to conditions.

**STAFF RECOMMENDATION:** Denial.

**BACKGROUND INFORMATION:**

- Dallas Central Appraisal District records indicate that the building was constructed in 1922.
- On October 21, 1987, the City Council created the MD-1 Modified Delta Overlay District in areas where it was determined that a continued application of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion, public safety concerns and would not be in the interest of the public.
- The MD-1 Overlay District establishes the right to carry forward nonconforming parking and loading spaces. The delta theory terminates when a use is discontinued or remains vacant for 12 months or more [Ord. 19726].
- On January 26, 2011, City Council approved Planned Development No. 842. The purpose of the district is to ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.
- On June 26, 2017, the request site received a Certificate of Occupancy, CO, for a commercial amusement inside use [Greenville Event Center]. The use was utilized for corporate office meetings, wedding receptions, reunions, holiday gatherings, gala dinners for private events/banquets, according to a land use statement submitted for the CO. However, the CO was revoked on February 26, 2019, due to evidence supporting vacancy for more than 12 months. Prior to the commercial amusement (inside) use a restaurant without drive-in or drive-through service use operated on the site but ceased operation. Additionally, a request for a CO for a commercial amusement (inside) use was applied for on April 16, 2019 and cancelled by the applicant.
- The area of request has no off-street parking provided and is developed with a one-story nonresidential structure with approximately 4,340 square feet of floor area.
- The applicant envisions utilizing the existing building for a mix of restaurant, retail, and office uses with no required or acquired off-street parking spaces for the proposed uses.
- A special exception request was submitted to the Board of Adjustment on December 10, 2018 to carry forward nonconforming parking spaces under the delta theory that were terminated when the use discontinued or remained vacant for 12 months or more. The request was subsequently denied by the Board.

**Zoning History:** There have been 16 zoning change requests in the area within the last five years.

1. **Z156-217** On June 22, 2016, the City Council renewed Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern use on property within Planned Development District No. 842 for CR Community Retail District Uses with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, north of Prospect Avenue for a five-year period.
2. **Z189-150** On April 10, 2019, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period.
3. **Z167-367** On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions.
4. **Z178-304** On November 14, 2018, the City Council approved the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to conditions.
5. **Z189-124** On March 7, 2019, the City Plan Commission denied an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Avenue and La Vista Drive without prejudice.
6. **Z189-126** On March 7, 2019, the City Plan Commission denied an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Oram Avenue and La Vista Drive without prejudice.
7. **Z189-131** On February 7, 2018, the City Plan Commission denied an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the

east line of Greenville Avenue, between Oram Street and La Vista Drive without prejudice.

8. **Z156-224** On June 22, 2016, the City Council approved Specific Use Permit No. 2230 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period.
9. **Z178-281** On September 26, 2018, the City Council approved amendment to Subdistricts 1, 2, and 4 within Planned Development District No. 691 with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion to allow a tower/antenna for cellular communication, located on the northwest corner of Greenville Avenue and Lewis Street, subject to a revised development plan, elevation, and conditions.
10. **Z167-238** On December 13, 2017 the City Council approved an amendment to Planned Development District No. 691, with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, located on the northwest corner of Greenville Avenue and Lewis Street, subject to conditions.
11. **Z178-387** On January 23, 2019, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive through service for a two-year period.
12. **Z167-342** On October 11, 2017, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive through service for a one-year period.
13. **Z156-294** On October 26, 2016, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a bar, lounge or tavern for a three-year period.
14. **Z156-300** On October 26, 2016, the City Council renewed Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the west line of Greenville Avenue, south of Sears Street for a four-year period.
15. **Z178-272** On October 23, 2018, the City Council approved Subdistrict 1 within Planned Development District No. 842 with a MD-1 Modified Delta Overlay, on the west side of Greenville Avenue, north of Alta Avenue.

\*\*\*The request has been highlighted on the attached Zoning Map as reference of location in comparison to distance and adjacency to other uses.

16. **Z189-206** On August 14, 2019, the City Council approved Subdistrict 2 within Planned Development District No., 842 with a MD-1 Modified Delta Overlay, on the northeast corner of Greenville Avenue and Oram Street. \*\*\*The request has been highlighted on the attached Zoning Map as reference of location in comparison to distance and adjacency to other uses.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	60 feet
La Vista Drive	Local	40 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and provided the following determination.

Staff did not receive enough information to support a request to operate the subject property with retail and office uses and zero parking requirements. In concept, the request is reasonable given the subject site's constraints and general location within the Lower Greenville neighborhood.

In an effort to evaluate the request and its impact, staff requested documentation of the existing parking demand conditions in the immediate vicinity of the subject site to understand the impact of the proposed operations, unsuccessfully. Without a proper study and recommendations for parking management and an evaluation of specific land uses that fit into the envelope of the lower Greenville, staff is unable to recommend approval of the request.

Moreover, staff understands the request for a single property owner to provide a comprehensive parking demand study of Lower Greenville may be unreasonable. However, an association of property owners, for example, could prepare an overall parking plan for the area—allowing single property owners to revitalize vacant properties through parking management with adequately designated land uses, hours of operations, etc., and without individual zoning amendments. In the meantime, properties should pursue different mechanisms outside of zoning to allow operation of their business(es) (e.g. board of adjustment, remote parking agreements).

For these reasons, staff cannot support the request.

**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.

**ECONOMIC ELEMENT**

**GOAL 2.1 FOSTER A CITY OF GREAT NEIGHBORHOODS.**

**Policy 2.5.1** Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**URBAN DESIGN**

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.**

**Policy 5.2.1** Maintain neighborhood scale and character.

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

**Modified Delta Overlay No. 1:**

In general terms, 'delta theory' means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded.

The 'modified delta', in effect, limits the scope of delta theory due to an increasing need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which was adopted by the City Council on October 1, 1987. MD-1 consists of three 'Areas' in an area generally bounded

by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1.

On June 14, 1995, City Council approved a resolution that provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area and requires parking for public dining areas at a ratio of 1 space per 300 square feet of public dining space. The most recent amendment was approved by City Council on June 28, 1995, which provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50 percent of required parking for a use.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 842, MD-1	Vacant
<b>North</b>	PD No. 842, MD-1	Personal Service
<b>East</b>	MF-2, MD-1	Single Family
<b>South</b>	PD No. 842, MD-1	Retail
<b>West</b>	PD No. 842, MD-1, SUP No. 2346	Restaurant w/drive-in or drive-thru

**Land Use Compatibility:**

The area of request has no off-street parking provided and is developed with a one-story nonresidential structure with approximately 4,340 square feet of floor area that is divided into three suites.

The request site is located within Modified Delta Overlay No. 1, the Greenville Avenue Modified Delta Overlay District. As mentioned above, an MD-1 Overlay District, is established by City Council in those areas where the delta theory as defined in Sec. 51A-4.704 of the Dallas Development Code as amended, is no longer justified.

Building Inspection records reflect a prior Certificate of Occupancy for a commercial amusement (inside) use and restaurant without drive-in or drive-through service, was issued for the subject site on June 26, 2017, and later revoked on February 26, 2019, due

to lack of parking and the use ceasing for more than 12 months. Prior to the commercial amusement (inside ) use a restaurant without drive-in or drive-through service use operated on the site but ceased operation. Additionally, a request for a CO for a commercial amusement (inside) use was applied for on April 16, 2019 and cancelled on May 13, 2019 by the applicant.

While the request appears to be similar to other requests (Z178-272 & Z189-206) within the district seeking subdistricts to relieve the off-street parking requests, and further seeks to extend the hours of operation for retail and personal service uses within a legacy building beyond what is currently permitted.

The properties surrounding the subject site include retail and personal service uses to the west, north and south with single family uses directly adjacent to the east.

While staff acknowledges and supports the proposed restriction of late-hour establishments and alcoholic beverage establishments, staff finds that there is not a land use rationale to support a zoning change solely to provide an exception to the off-street parking requirements for an isolated tract of land amid similarly situated properties. Additionally, the request may pose negative effects to the residential use immediately adjacent to the east if off-street parking is sought along adjacent streets and properties.

The Dallas Development Code, as amended, provides for alternatives to provide the off-street parking requirements such as remote parking and shared parking. Moreover, the Greenville Avenue Modified Delta Overlay District enhances the availability of these special parking provisions by allowing for the walking distances for the remote parking to be increased from 600 feet to 900 feet and also allows for special parking to account for more than 50 percent of the off-street parking required for any use.

It is staff's determination that the applicant has available alternatives other than the proposed zoning change to allow for the existing building to be occupied with daytime retail uses and further believes that staff should also consider the effect of the continuation of amending zoning for individual properties without an overarching plan for the neighborhood.

**Parking:**

In general, the delta theory means the number of nonconforming parking or loading spaces for a use that may be carried over/forward when the use is converted or expanded. The Greenville Avenue Modified Delta Overlay District establishes the right to nonconforming delta parking credits are lost if the use is vacant for 12 months or more.

The area of request has no off-street parking provided and is developed with a one-story nonresidential structure with approximately 4,340 square feet of floor area that is divided into three suites with three addresses. 1904, 1906 and 1908 Greenville Avenue is



currently vacant but was previously occupied by a commercial amusement (inside) use (Greenville Avenue Eventer Center) and operated within approximately 3,100 square feet of floor area and had retained 31 delta credits. The remainder of the site remained unoccupied. However, since Building Inspections determined that the suites had been vacant for more than 12 months, the MD-1 Overlay prescribes that the 31 delta credits may not be carried over/forward to the next Certificate of Occupancy. Therefore, the existing zoning regulations require that any use of the property provide the minimum parking requirements on-site, through a parking agreement, or an application to the Board of Adjustment to seek approval for reinstatement of the 31 lost delta credits if the applicant can demonstrate that there was not an intent to abandon the use. Since, the Board of Adjustment has denied the request to carry forward nonconforming parking spaces under the delta theory, the only options available are to seek either a zoning application or obtain a parking agreement.

The applicant proposes to adaptively reuse the existing structure with a mix of uses consisting of retail and personal service and office without providing any parking. The Dallas Development Code requires a minimum number of parking for the below uses at the corresponding ratios.

<b>Land Use</b>	<b>Area (SF)</b>	<b>Ratio</b>	<b>Required Spaces</b>
Retail	4,340	1/200 SF	22.0
Restaurant	4,340	1/100 SF	43.0
Office	4,340	1/333 SF	13.0

The applicant has not provided a parking demand analysis or a parking management plan to support the requested parking reductions, therefore staff cannot support the applicant's request.

**Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

**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 western portion of the request site fronting along Greenville Avenue is not within an identifiable MVA cluster while the eastern half of the request site is within a “C” MVA cluster.

Z190-139(PD)

**List of Officers**

Greenville Parks LP

Monaco Partners LLC

Michael Farah, Manager

Tinch Properties LP

Bruce Tinch, President and sole member

Ryan Tinch

**CPC ACTION**  
**July 9, 2020**

**Motion:** It was moved to recommend **approval** of a new subdistrict within Planned Development District No. 842 with a MD-1 Modified Delta Overlay, subject to conditions on the east line of Greenville Avenue, north of La Vista Drive.

Maker: Garcia  
Second: Hampton  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Housewright, Schultz, Schwope, Garcia, Rubin

Against: 0  
Absent: 1 - Murphy  
Vacancy: 0

**Notices:** Area: 500 Mailed: 99  
**Replies:** For: 0 Against: 9

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206  
Against: None

**CPC RECOMMENDED CONDITIONS**

**ARTICLE 842.**

**PD 842.**

**SEC. 51P-842.101. LEGISLATIVE HISTORY.**

PD 842 was established by Ordinance No. 28109, passed by the Dallas City Council on January 26, 2011. (Ord. 28109)

**SEC. 51P-842.102. PROPERTY LOCATION AND SIZE.**

PD 842 is established on property located on both sides of Greenville Avenue between Belmont Avenue and Bryan Street. The size of PD 842 is approximately 50.598 acres. (Ord. Nos. 28109; 28825)

**SEC. 51P-842.103. PURPOSE.**

The purpose of this district is to ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional- serving, late-night venues. (Ord. 28109)

**SEC. 51P-842.104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article,

(1) BAIL BOND OFFICE means an office for the issuance, brokerage, or procurement of bail bonds.

(2) LATE-HOURS ESTABLISHMENT means a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m., and in Subdistrict 2, operates between 9 p.m. and 6 am. See Section 51P-842.113.

(2.1) LEGACY BUILDING means a building and building façade in Subdistrict 2 and 3 constructed prior to 1926 that maintains the original front entrance and existing solid to void ratios.

(3) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(4) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other

related equipment, but does not include permanent makeup application or intradermal cosmetics as a component or service of a duly licensed beauty parlor or salon.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P-842.104.1 EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 842A: Subdistrict map.

**SEC. 51P-842.104.2 SUBDISTRICT.**

This district contains the following subdistricts: Subdistrict 1 ~~and 2~~, and 3 as shown on the subdistrict map (Exhibit 842A).

**SEC. 51P-842.105. DEVELOPMENT PLAN.**

No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 28109)

**SEC. 51P-842.106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) The following use is permitted only by SUP:

-- Late-hours establishment. [See Section 51P-842.113.]

(c) Except as provided in this subsection, the following uses are prohibited in Subdistricts 1 ~~and 2~~, and 3.

- Alcoholic beverage establishment.
- Alternative financial establishment.
- Auto service center.
- Bail bond office.
- Car wash.
- Commercial amusement (inside).

- Commercial amusement (outside).
- Convenience store with drive-through.
- Late-hours establishment.
- Liquor store. [Prohibited in Subdistrict 1 only.]
- Massage establishment.
- Mini-warehouse.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Paraphernalia shop.
- Restaurant without drive-in or drive-through service. [Prohibited in Subdistrict 1 and 3 only.]
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Tattoo studio. (Ord. Nos. 28109; 30127; 31300)

**SEC. 51P-842.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A- 4.217.

(b) Except as provided in this Subsection, the following accessory uses are not permitted:

- Restaurant without drive-in or drive-through service. [Prohibited in Subdistrict 2 ~~only~~ and 3.]
- Restaurant with drive-in or drive-through service. [Prohibited in Subdistrict 2 ~~only~~ and 3.] (Ord. Nos. 28109; 31300)

**SEC. 51P-842.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Floor area ratio.

(1) In Subdistrict 1, maximum floor total floor area for office and retail and personal service uses combined is 6,000 square feet.

(2) In Subdistrict 2, the maximum floor area of all restaurant without drive-in or drive-through service uses is 3,000 square feet. Outdoor patio space is included in the 3,000 square foot limit.

(3) In Subdistrict 3, maximum floor total floor area for office and retail and personal service uses combined is 5,218 square feet.

(c) Stories. In Subdistrict 2 and 3, except for mezzanines within a legacy building, maximum number of stories is one.

**SEC. 51P-842.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Subdistrict 1 and 3. Except as **specifically** provided **herein**, ~~No~~ no off-street parking or loading is required for an office use or a retail and personal service use that only operates between 6:00 a.m. and 7:00 p.m. and has parking ratio of 1:200 or less. In subdistrict 3, aA- liquor store may operate until 9:00 p.m. instead of 7:00 p.m.

(c) Subdistrict 2.

(1) Except for a restaurant without drive-in or drive-through service, no parking or loading is required for retail and personal service uses within a legacy building which limits its hours of operation between 6:00 a.m. and 9:00 p.m. and has a parking ratio of one parking spaces to 200 square feet of floor area or less.

(2) No parking is required for office uses within a legacy building.

(3) A minimum of one space per 100 square feet is required for a restaurant use. Delta credits may not be used to meet this off-street parking requirement.

(4) For a hotel use, the off-street parking requirement may be established in the ordinance granting a Specific Use Permit.

(5) Except as provided in this subsection, remote parking must be in accordance with 51A-4.320. An agreement authorizing a nonresidential use or a mixed use development to use special parking for nonresidential uses may be based on a lease of the special parking spaces only if the lease:

(A) is in writing;

(B) contains legal descriptions of the properties affected;

(C) specifies the special parking being provided and the hours of operation of any use involved;

(D) is governed by the laws of the state of Texas;

(E) is signed by all owners of the properties affected;

(F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;



(G) is for a minimum term of three years; and

(H) provides both the owner of the lot occupied by the nonresidential use or mixed use development use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

**SEC. 51P-842.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 28109)

**SEC. 51P-842.111. LANDSCAPING.**

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. 28109)

**SEC. 51P-842.112. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 28109)

**SEC. 51P-842.113. ADDITIONAL PROVISIONS.**

- (a) In general. The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Compliance. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) Late-hours operations.

(1) Except for late-hours establishments operating under a valid specific use permit, all services for the public must be stopped and all customers must be removed from the establishment between 12 a.m. (midnight) and 6 a.m. Any retail and personal service use that offers services to the public or that has customers remaining in the establishment between 12 a.m. (midnight) and 6 a.m. is a late-hours establishment.

(2) In Subdistrict 2 except for late-hours establishment operating under a valid specific use permit, all services for the public must be stopped and all customers must be removed from the establishment between 9 p.m. and 6 a.m. Any retail and personal service use that offers services to the public or has customers remaining in the establishment between 9 p.m. and 6 am is a late-hours establishment.

(3) No occupancy shall have nonconforming rights to operate between 12 a.m. (midnight) and 6 a.m. All occupancies must come into compliance with this subsection by September 23, 2011.

(d) Traffic impact analysis waiver. A traffic impact analysis is not required in connection with an application for a specific use permit for a late-hours establishment.

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment;  
and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

(f) Street improvements. If the city has not begun streetscape enhancements within this district by January 1, 2017, the director shall request that the city plan commission authorize a public hearing to determine proper zoning with consideration given to repeal of this district. For purposes of this subsection, "streetscape enhancements" means improvements to the streetscape such as wider sidewalks, street landscaping, and pedestrian lighting.

(g) Subdistrict 2.

(1) Except for maintenance and location of mechanical equipment, use of rooftops is prohibited.

(2) Outdoor speakers and amplified music are prohibited.

(3) For retail and restaurant without drive-in or drive-through uses:

(A) public entrances are prohibited facing Oram Street.

(B) floor area for a restaurant without drive-in or drive-through service must be at least 15 feet from Oram Street.

(h) Subdistrict 3.

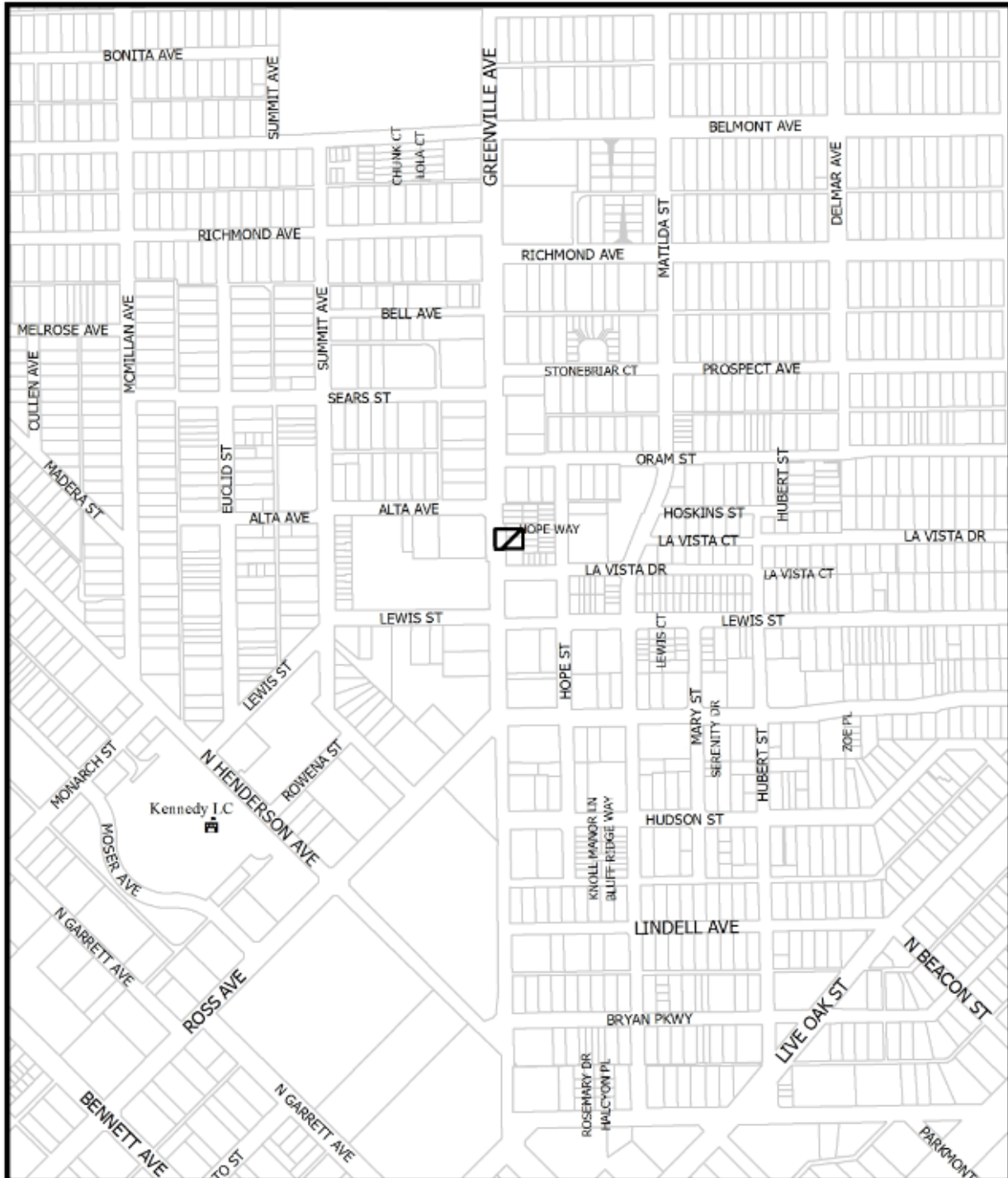
(1) Except for maintenance, and mechanical equipment, use of rooftops is prohibited.


(2) Outdoor speakers and amplified music are prohibited.

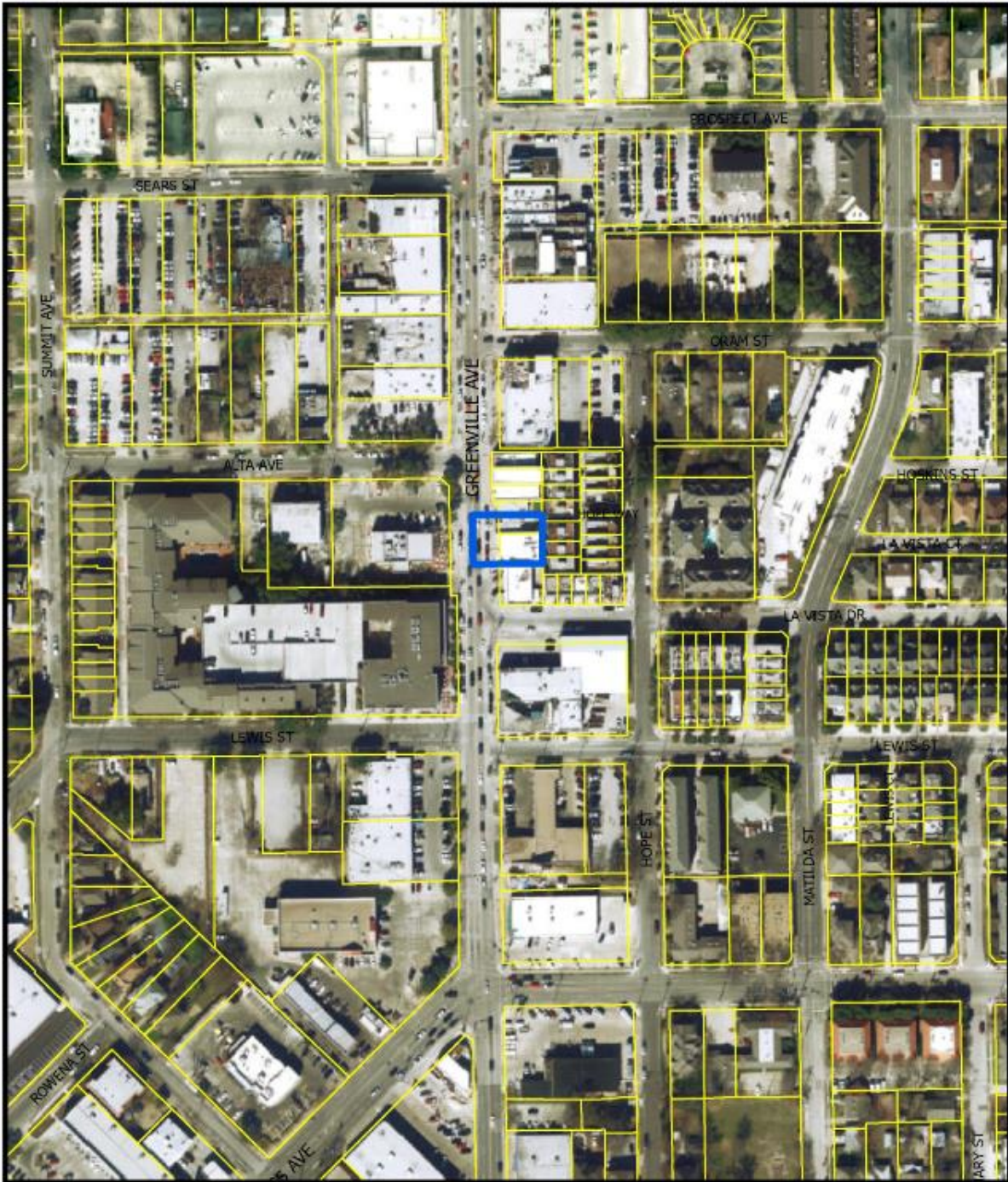
**SEC. 51P-842.114. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 28109)

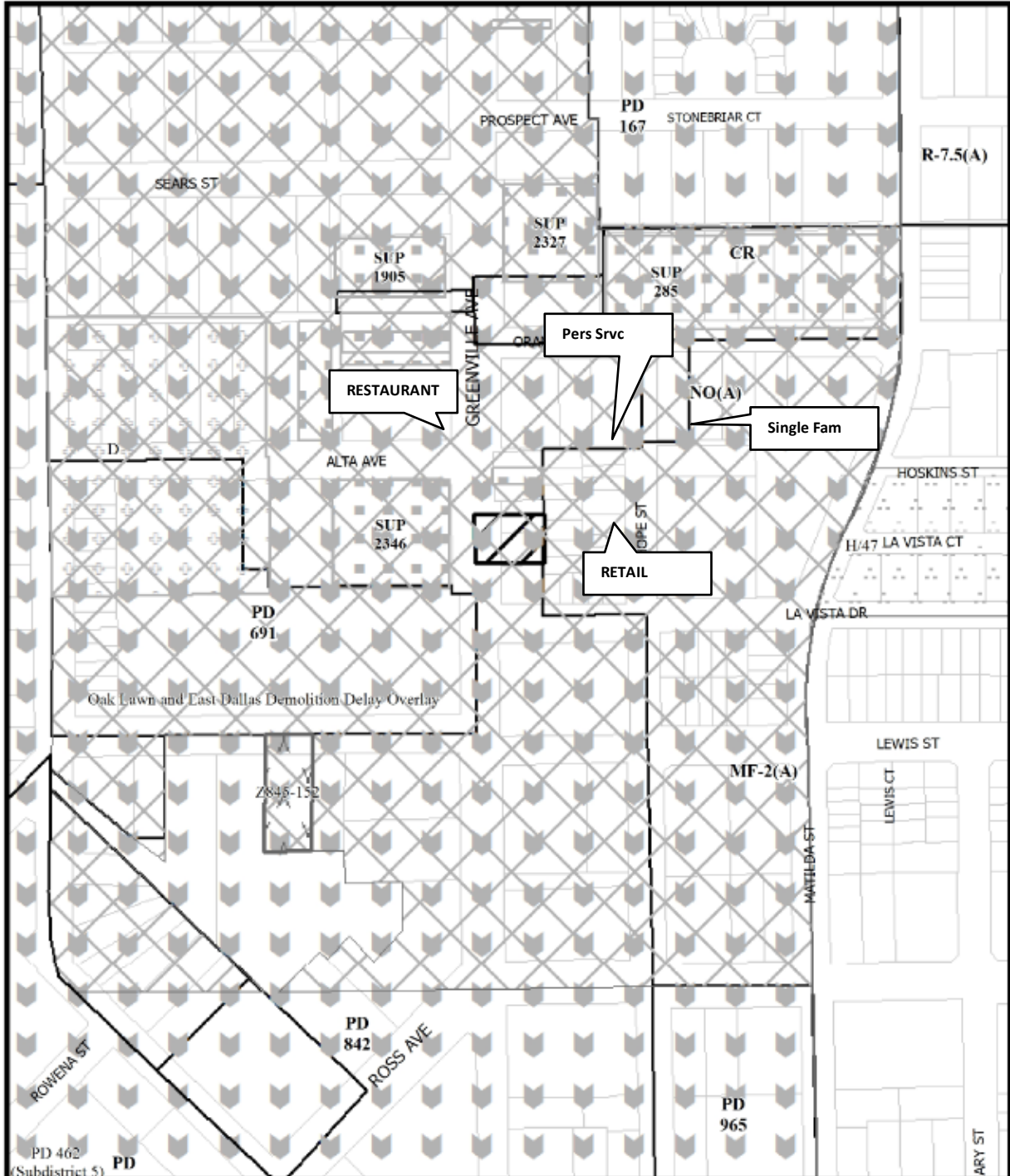


 1:6,000	<h2>VICINITY MAP</h2>	Case no: <u>    Z190-139    </u> Date: <u>    12/18/2019    </u>
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 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u>    Z190-139    </u> Date: <u>    12/18/2019    </u>
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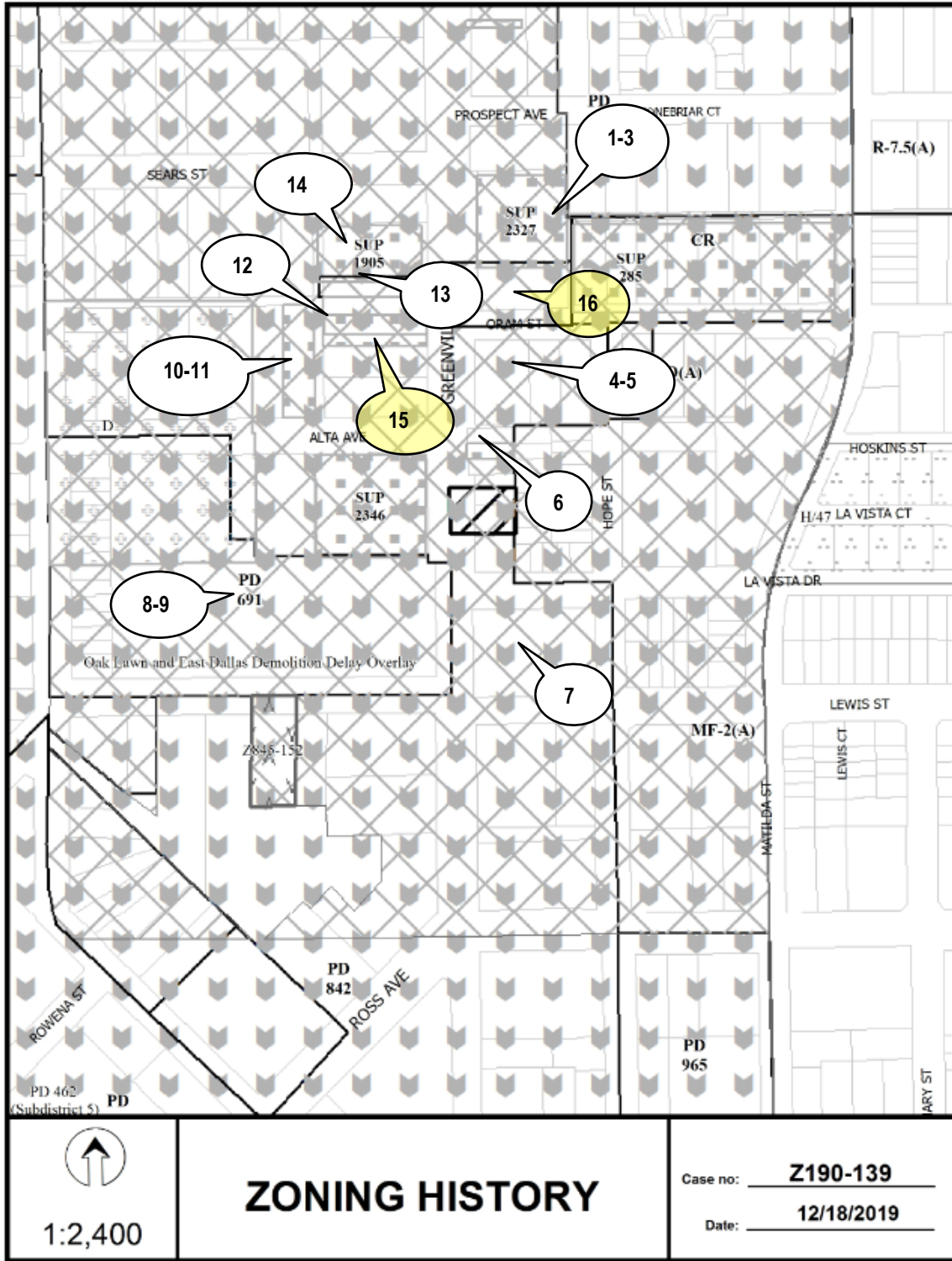


1:2,400

# ZONING AND LAND USE

Case no: **Z190-139**

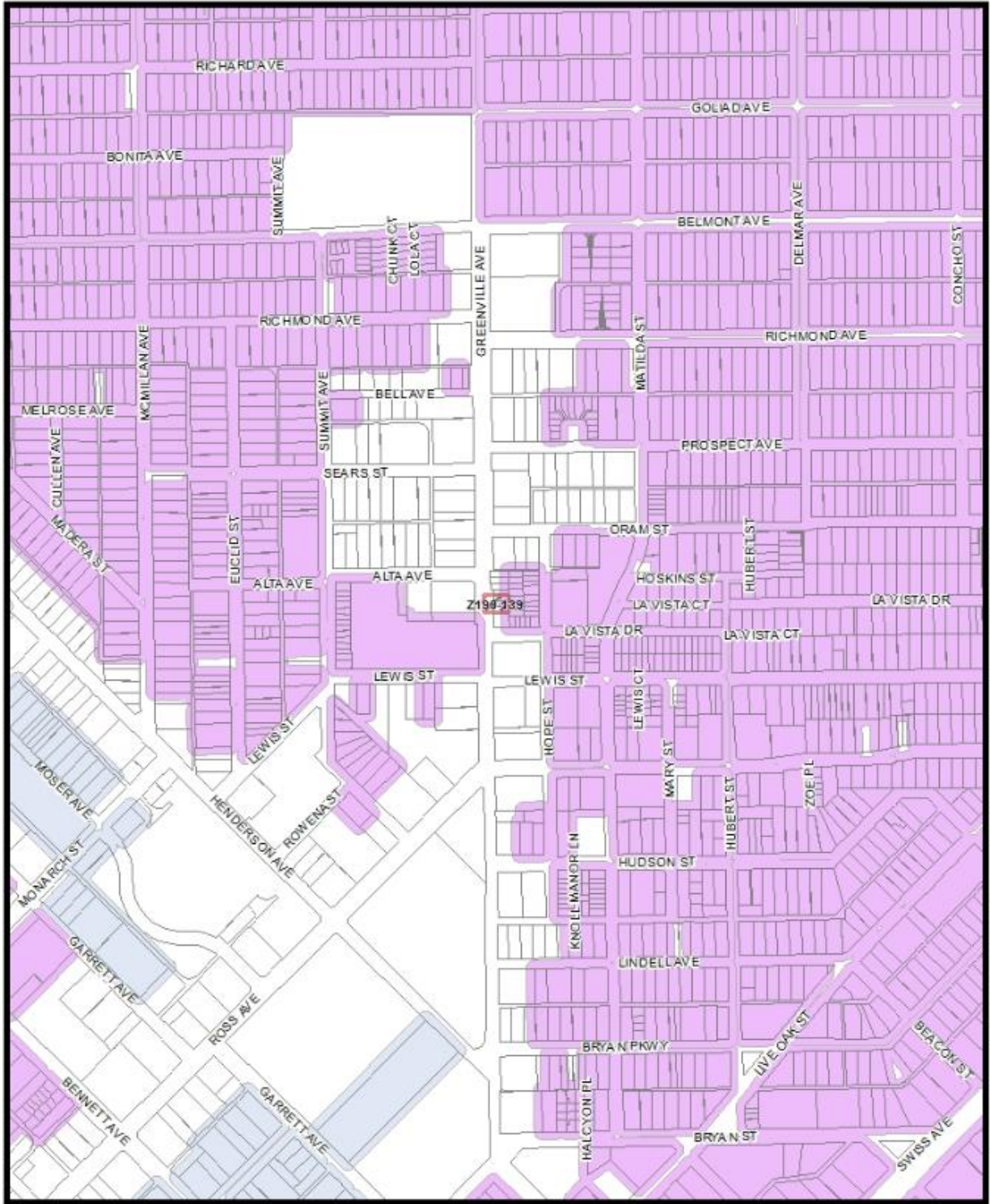
Date: **12/18/2019**



# ZONING HISTORY

Case no: Z190-139  
 Date: 12/18/2019





Market Value Analysis A B C D E F G H I NA

1:6,000

# Market Value Analysis

Printed Date: 12/18/2019



**CPC RESPONSES**



<u>99</u>	Property Owners Notified (102 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>9</u>	Replies in Opposition (16 parcels)
<u>500'</u>	Area of Notification
<u>7/9/2020</u>	Date

**Z190-139**  
**CPC**



1:2,400

07/08/2020

**Reply List of Property Owners****Z190-139****99 Property Owners Notified****0 Property Owners in Favor****9 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	1904 GREENVILLE AVE	GREENVILLE PARKS LP
	2	1908 GREENVILLE AVE	GREENVILLE PARKS LP
	3	1910 GREENVILLE AVE	MORENO RICHARD
	4	1733 GREENVILLE AVE	MACATEE FAMILY LIMITED
	5	5430 LEWIS ST	SANCHEZ JESUS & CLAUDIA
	6	1802 GREENVILLE AVE	1800 GREENVILLE PARTNERS LLC
	7	1706 GREENVILLE AVE	SKILLERN & MAJORS
	8	1710 GREENVILLE AVE	LEAKE SAM S SR TR
	9	1704 GREENVILLE AVE	CCP ROSSGREEN LP
	10	5610 LEWIS ST	IP ROSS FLATS LLC
X	11	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	12	2000 GREENVILLE AVE	LANDE PAUL &
	13	5715 ORAM ST	ONCOR ELECIC DELIVERY COMPANY
X	14	5716 PROSPECT AVE	ANDRES FAMILY TRUST
X	15	5724 PROSPECT AVE	ANDRES FAMILY TRUST
	16	1900 GREENVILLE AVE	TRUST REAL ESTATE
	17	1912 GREENVILLE AVE	CAMPBELL OLIVER
X	18	1914 GREENVILLE AVE	LOWGREEN PS LTD
	19	1926 HOPE ST	1916 HOPE LLC
	20	5730 ORAM ST	SOUZA DIANA FAYE
	21	5726 ORAM ST	TARL CABOT LLC &
	22	5722 ORAM ST	MCKINNEY FEARGAL &
X	23	5712 ORAM ST	LOWGREEN PS
	24	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	25	5749 LA VISTA CT	MEEHAN COLIN RYDER
	26	5744 LA VISTA CT	PACIFICO SANDRO

07/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5618 SEARS ST	GREENVILLE HOLDINGS CO
X	28	5628 SEARS ST	ANDRES FAMILY TRUSTS
X	29	5611 ALTA AVE	THACKER RICHARD E
X	30	5619 ALTA AVE	THACKER RICHARD E JR
	31	5623 ALTA AVE	GREENWAYSEARS LP
	32	1931 GREENVILLE AVE	GREENWAY SEARS LP
	33	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
	34	1917 GREENVILLE AVE	SEB GROUP LLC
	35	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
X	36	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	37	5626 ALTA AVE	LATORRE ROBERT INC
	38	5429 ROSS AVE	CHAN ALVIN B INC
	39	5702 LA VISTA DR	JOHNSON C RYAN
	40	5704 LA VISTA DR	BIERING JOSH D
	41	5605 LEWIS ST	GENERALOVICH MIKE M TRUST &
	42	5708 LA VISTA DR	MCLEOD ALEXANDER W &
	43	5607 LEWIS ST	KOTEK THOMAS & NAOMI TRUST
	44	5609 LEWIS ST	CAPLIN JOEL &
	45	5710 LA VISTA DR	REED JASON
	46	5611 LEWIS ST	CLONTS JAMES R &
	47	1811 MATILDA ST	MCMURRAY RYAN
	48	1809 MATILDA ST	DONOVAN BLAKE WILLIAM
	49	1807 MATILDA ST	BROWNING RICHARD DAVIS II
	50	1805 MATILDA ST	BROWNGARCIA SONJA J
	51	1803 MATILDA ST	HOYLAND TIM
	52	5604 LEWIS ST	TOPSPIN DEV LP %
	53	5701 LEWIS ST	ROSENBERG YANIV
	54	5703 LEWIS ST	HENDERSON ALLISON HALLEY
	55	5720 LA VISTA DR	WHITWORTH MARK W
	56	5722 LA VISTA DR	BUHELIMORENO ALVARO A
	57	1919 HOPE WAY	NGUYEN NGOC DIEP

07/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1922	HOPE WAY	DICKEY ROBERT LEE III &
59	1917	HOPE WAY	MC FALL JAMES
60	1920	HOPE WAY	ISAACSON CHRISTOPHER M
61	1918	HOPE WAY	MARCH SEAN
62	1915	HOPE WAY	ALARCON WALDO & YAZMIN R
63	1913	HOPE WAY	HERNDON LINDSEY
64	1916	HOPE WAY	OTOOLE TIMOTHY
65	1911	HOPE WAY	NIEHUUS MICHAEL
66	1912	HOPE WAY	SHUCH MATTHEW T &
67	1910	HOPE WAY	HOWARD EMILY L & CHRISTOPHER G
68	1909	HOPE WAY	JOHNSON RONALD L
69	1908	HOPE WAY	GANDHI ANUPAMA K
70	1907	HOPE WAY	WEINER ERIC DAVID
71	1906	HOPE WAY	ABOUJAOUDE DORY
72	5715	LA VISTA DR	CATHCART DAVID
73	5713	LA VISTA DR	JACOBSON TYLER B &
74	5711	LA VISTA DR	WHITE JULIUS
75	5709	LA VISTA DR	SHANE MARIO M & RACHELLE
76	1965	MATILDA ST	1965 MATILDA LLC
77	5622	SEARS ST	5624 SEARS STREET LTD
78	1827	GREENVILLE AVE	LOWGREEN PS
79	1811	GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
80	1811	GREENVILLE AVE	GREENWAY GREENVILLE LP
81	1910	HOPE ST	MOJICA EDWARD
82	1910	HOPE ST	KEELING THOMAS
83	1910	HOPE ST	KUPERMAN YELENA
84	1910	HOPE ST	CROUCH EDIE D
85	1910	HOPE ST	HANLON WILLIAM R &
86	1910	HOPE ST	BEAHM CYNTHIA DIANE
87	1910	HOPE ST	RADIGAN MEGAN M
88	1910	HOPE ST	UTKOV GARY S & CAROL C

Z190-139(PD)

07/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1910 HOPE ST	KOBAYASHI AARON S &
	90	1910 HOPE ST	MERZ RYAN E
	91	1910 HOPE ST	HOPE STREET RENTAL COMPANY LLC
	92	1910 HOPE ST	ANKERSEN KRISTEN A
	93	1910 HOPE ST	DROUILLARD SUZETTE M
	94	1910 HOPE ST	ELLINGTON AMBER JEAN
	95	1910 HOPE ST	GIBBS JENNIFER L
	96	5734 ORAM ST	SWEENEY PATRICK
	97	5734 ORAM ST	MOSS CAROLINE A
	98	5734 ORAM ST	GARDNER MEGAN KAY &
	99	5734 ORAM ST	FLATHERS PROPERTIES LLC