

FILE NUMBER: Z190-240(JT) **DATE FILED:** March 26, 2020
LOCATION: Southwest corner of Greenville Avenue and Alta Avenue
COUNCIL DISTRICT: 14 **MAPSCO:** 36 X
SIZE OF REQUEST: ±0.69 acres **CENSUS TRACT:** 10.02

REQUEST: A City Plan Commission authorized hearing to determine the proper zoning on property zoned Planned Development No. 842 with Specific Use Permit No. 2346 for a late-hours establishment limited to a restaurant with drive-in or drive through service and with an MD-1 Modified Delta Overlay with consideration given to evaluating whether the Specific Use Permit is compatible with adjacent property and consistent with the character of the neighborhood.

SUMMARY: The purpose of the request is to evaluate whether Specific Use Permit No. 2346 is compatible with the neighborhood after the closure of the previous restaurant (Taco Cabana).

STAFF RECOMMENDATION: No change.

CPC RECOMMENDATION: Approval of termination of Specific Use Permit No. 2346.

BACKGROUND INFORMATION:

- On March 26, 2020, the City Plan Commission authorized a public hearing to evaluate whether Specific Use Permit No. 2346, for a late-hours establishment limited to a restaurant with drive-in or drive-through service is compatible with adjacent property and consistent with the character of the neighborhood.
- The site is development with a vacant restaurant with 3,983 square feet of floor area and a 1,450 square-foot uncovered patio located along the Greenville Avenue frontage. The former restaurant, which had operated at this location since 1993, ceased operating in the winter of 2019.
- On January 26, 2011, City Council approved Planned Development District No. 842 allowing CR Community Retail uses. 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. PD No. 842 requires Specific Use Permit approval for any retail and personal service uses operating between 12 a. m. and 6 a. m.
- On September 14, 2011, City Council granted Specific Use Permit No. 1904 for a late-hours establishment limited to a restaurant with drive-in or drive-through service, for a two-year time period.
- On September 23, 2011, a certificate of occupancy for a restaurant with drive-in service, with an outdoor patio, 1,450 square feet in area, and allowed to be open 24 hours every day, was issued for the restaurant use.
- On November 12, 2013, Specific Use Permit No. 1904 was renewed for a five-year time period. The SUP expired on November 12, 2018, because the applicant failed to submit for the SUP renewal.
- Specific Use Permit No. 2346 was approved by Council on August 14, 2019, for a four-year period. The hours of operation are between 12:00 a.m. (midnight) and 6:00 a.m. (the next day), Monday through Sunday.

Zoning History:

There have been 13 zoning cases in the area over the past five years.

1. **Z156-294:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1912 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 use with a MD-1 Modified Delta Overlay. The SUP was automatically renewed on May 20, 2019.

2. **Z167-263:** On October 26, 2016, the City Council approved a renewal of 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 use with a MD-1 Modified Delta Overlay. The SUP was automatically renewed on April 7, 2017.
3. **Z167-227:** On June 28, 2017, Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge, or tavern was automatically renewed on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
4. **Z189-333:** 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 use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay. The SUP was renewed on November 14, 2018 and January 9, 2020.
5. **Z178-186:** On April 25, 2018, the City Council approved the Oak Lawn/East Dallas Demolition Delay Overlay District in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from Haskell Avenue to Carroll Avenue, Main Place, Prairie Avenue, Columbia Avenue, and Fitzhugh Avenue.
6. **Z156-217:** On June 22, 2016, the City Council approved the renewal of 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.
7. **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 on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the north line of Alta Avenue, west of Greenville Avenue.
8. **Z189-206:** On August 14, 2019, the City Council approved the creation of Subdistrict 2 within PD No. 842 with a MD-1 Modified Delta Overlay located on the northeast corner of Greenville Avenue and Oram Street.
9. **Z189-124:** On February 7, 2019, the City Plan Commission recommended denial without prejudice of two applications for Specific Use Permits for late-hours establishments limited to restaurants without drive-in or drive-through

service, located on the east line of Greenville Avenue, between Oram Avenue and La Vista Drive.

10. **Z189-126:** On February 7, 2019, the City Plan Commission recommended denial without prejudice of two applications for Specific Use Permits for late-hours establishments limited to restaurants without drive-in or drive-through service, located on the east line of Greenville Avenue, between Oram Avenue and La Vista Drive.
11. **Z189-131:** On April 10, 2019, the City Council denied without prejudice, 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, located on the east line of Greenville Avenue, between Oram Street and La Vista Drive.
12. **Z189-150:** On April 10, 2019, City Council approved Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant with drive-in or drive-through service, for a one-year period, for property located on the east line of Greenville Avenue, south of Stonebriar Court.
13. **Z189-251:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 2346 for a for a late-hours establishment limited to a restaurant with drive-in or drive-through service for a four-year period subject to a site plan and conditions, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay, located on southwest corner of Greenville Avenue and Alta Avenue.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Greenville Avenue	Local	60 feet
Alta Avenue	Local	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

	Zoning	Land Use
Site	PD No.842 MD-1 SUP No. 2346	Late-hours establishment limited to a restaurant with drive-in or drive-through (vacant)
North	PD No. 842 MD-1 SUP No. 1879	Parking lot (private); Bar, lounge, or taverns; Late-hours establishment limited to bar, lounge, or tavern; Retail
South	PD No. 842 PD No. 691 MD-1	Tattoo studio; Parking lot (private); Multifamily
West	PD No. 842 MD-1 SUP No. 1903	Office; Late-hours establishment limited to bar, lounge, or tavern; Office and personal service

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 SUP for a late-hours establishment is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

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

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

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 ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Area Plans:

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). The study 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 the authorized hearing recommending a SUP process to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use Compatibility:

The 30,078-square-foot request site is developed with an approximately 3,983-square-foot building with an uncovered patio, approximately 1,449 square feet in area, along Greenville Avenue. The speaker box for the drive-through portion of the operation is located along the western façade, with the speaker oriented towards the rear side of the property, adjacent to office uses. There are 40 parking spaces on site.

The former restaurant had been at this location since 1993 and operated under a Specific Use Permit since 2011. SUP No. 2346 was granted on August 14, 2019 for a four-year period.

In addition to the mix of retail and entertainment uses located along Greenville Avenue, to the north and east of the request site, multifamily residential uses are located to the

south and further west of the site, and an office building abuts the site to the west. To the northwest, there are more office and personal service uses. The site is not located in the immediate vicinity of single-family residential uses.

The main uses permitted in PD No. 842 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. The purpose of PD No. 842 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. As defined in the PD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires a Specific Use Permit for this defined use.

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.

There are nine restaurant and bar, lounge or tavern uses within the neighborhood that have late-hour establishment specific use permits. Staff recommends no change since a restaurant use is compatible with the surrounding uses and the conditions for the use are sufficient to ensure the continued compatibility with the neighborhood. A SUP allows for an additional use in a given zoning district and is granted for the use and not the operator.

On July 9, 2020, the CPC recommended to terminate SUP No. 2346.

Parking:

Pursuant to §51A-4.210 of the Dallas Development Code, for the existing structure to be occupied with a restaurant use once again would require one space for each 100 square feet of floor area. Therefore, the 3,983 square-foot restaurant would require 40 parking spaces which are provided on the existing site plan.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

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 request site is not located within an MVA cluster.

CPC Action:
July 9, 2020

Motion: It was moved to recommend **approval** of the termination of Specific Use Permit No. 2346, for a Late-hours establishment limited to a restaurant with drive-in or drive through service on property zoned Planned Development District No. 842, on the southwest corner of Greenville Avenue and Alta Avenue.

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

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

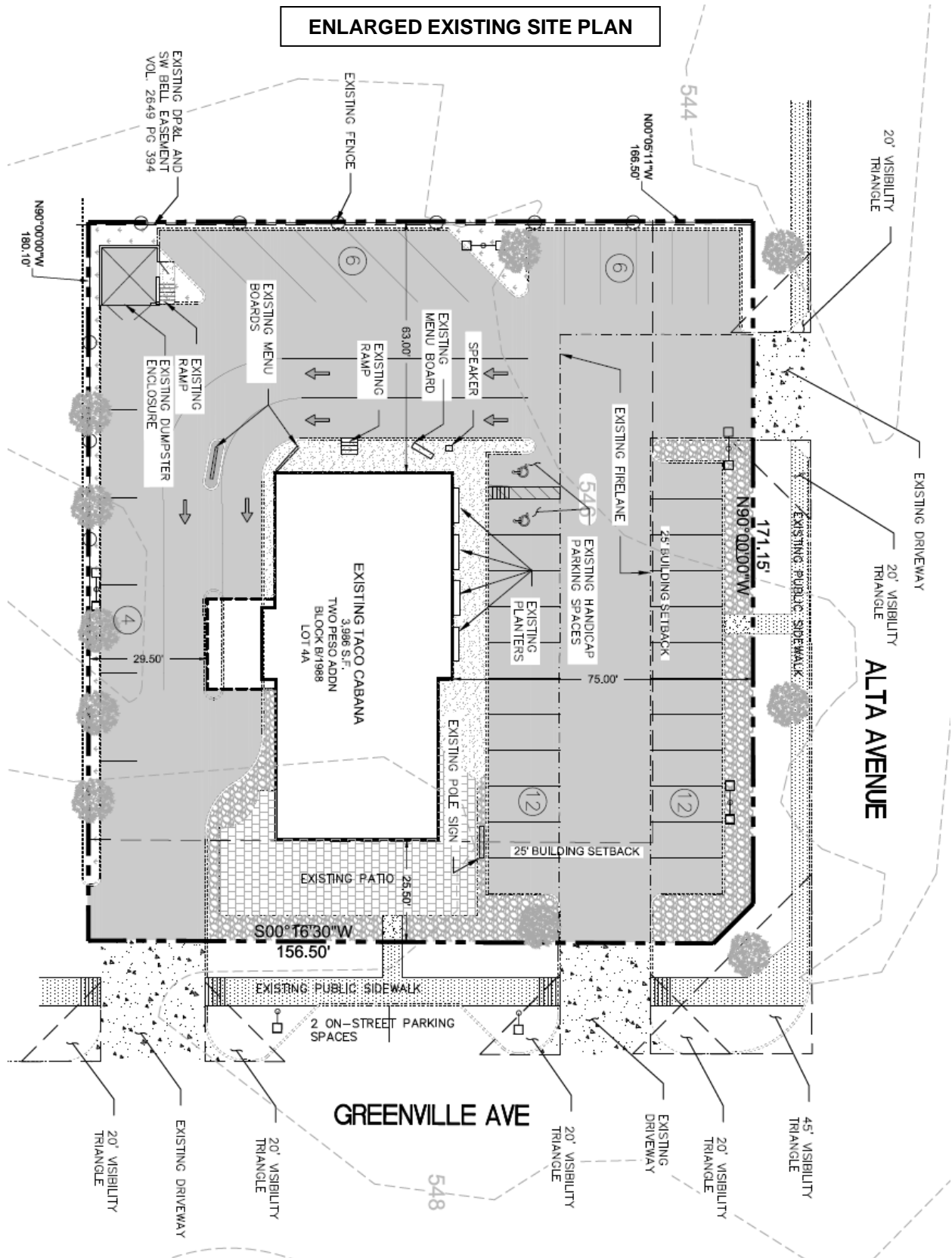
Against: 0
Absent: 1 - Murphy
Vacancy: 0

Notices: Area: 200 Mailed: 36
Replies: For: 0 Against: 0

Speakers: For: Michael Northrup, 5703 Goliad Ave., Dallas, TX, 75206
Bruce Richardson, 5607 Richmond Ave., Dallas, TX,
Against: None

EXISTING SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant with 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 August 14, 2023.
4. FLOOR AREA: Maximum floor area is 3,983 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The late-hours establishment limited to a restaurant with drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 6:00 a.m. (the next day), Monday through Sunday.
6. OUTDOOR PATIO:
 - A. Maximum land area for the outdoor patio is 1,450 square feet in the location shown on the attached site plan.
 - B. The outdoor patio must remain uncovered.
7. OUTDOOR SPEAKERS: Except for the existing speaker box for use at the menu board located as shown on the site plan, speakers located outdoors are prohibited.
8. PARKING: Off-street parking must be provided in accordance with Planned Development District No. 842.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations with the City of Dallas.





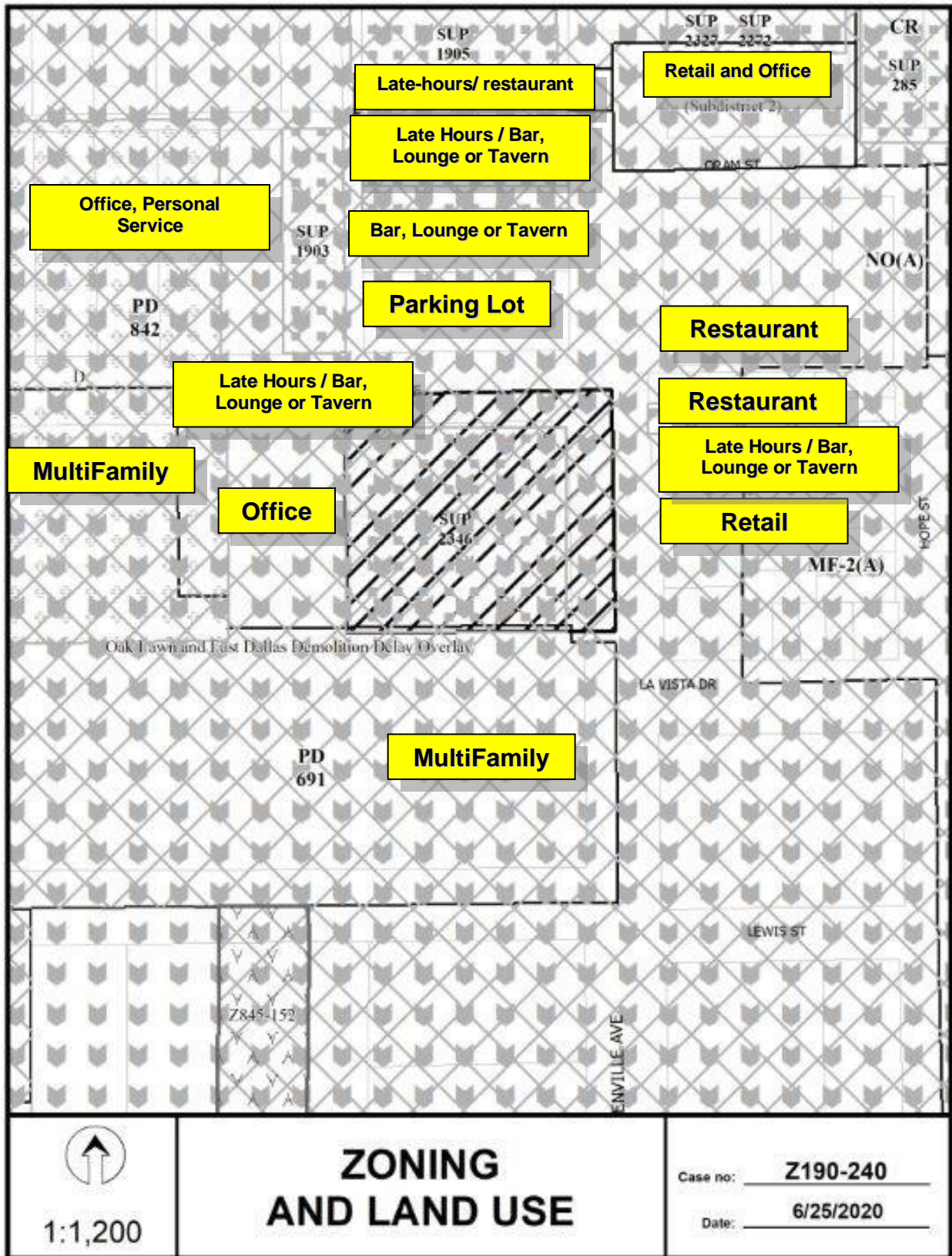


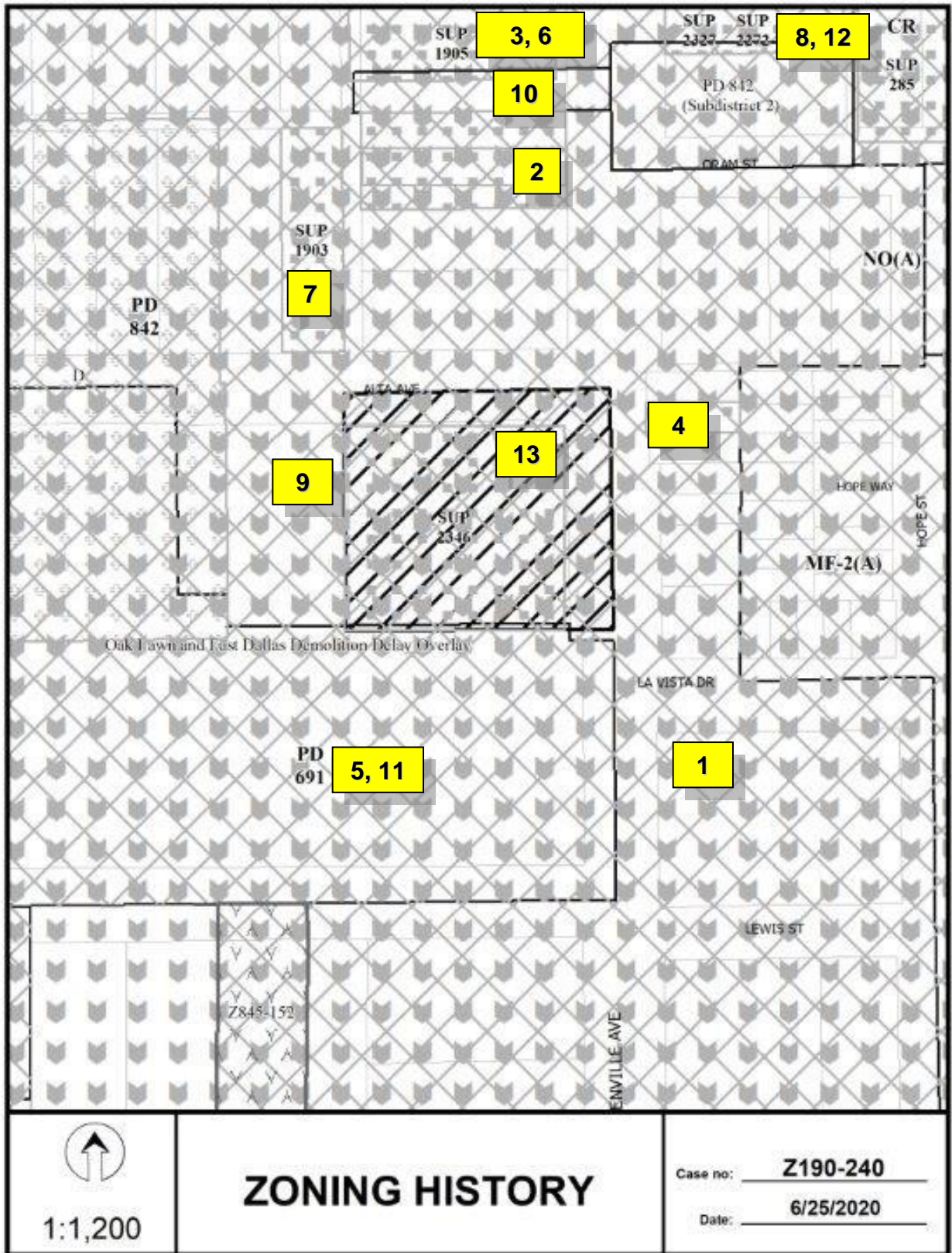
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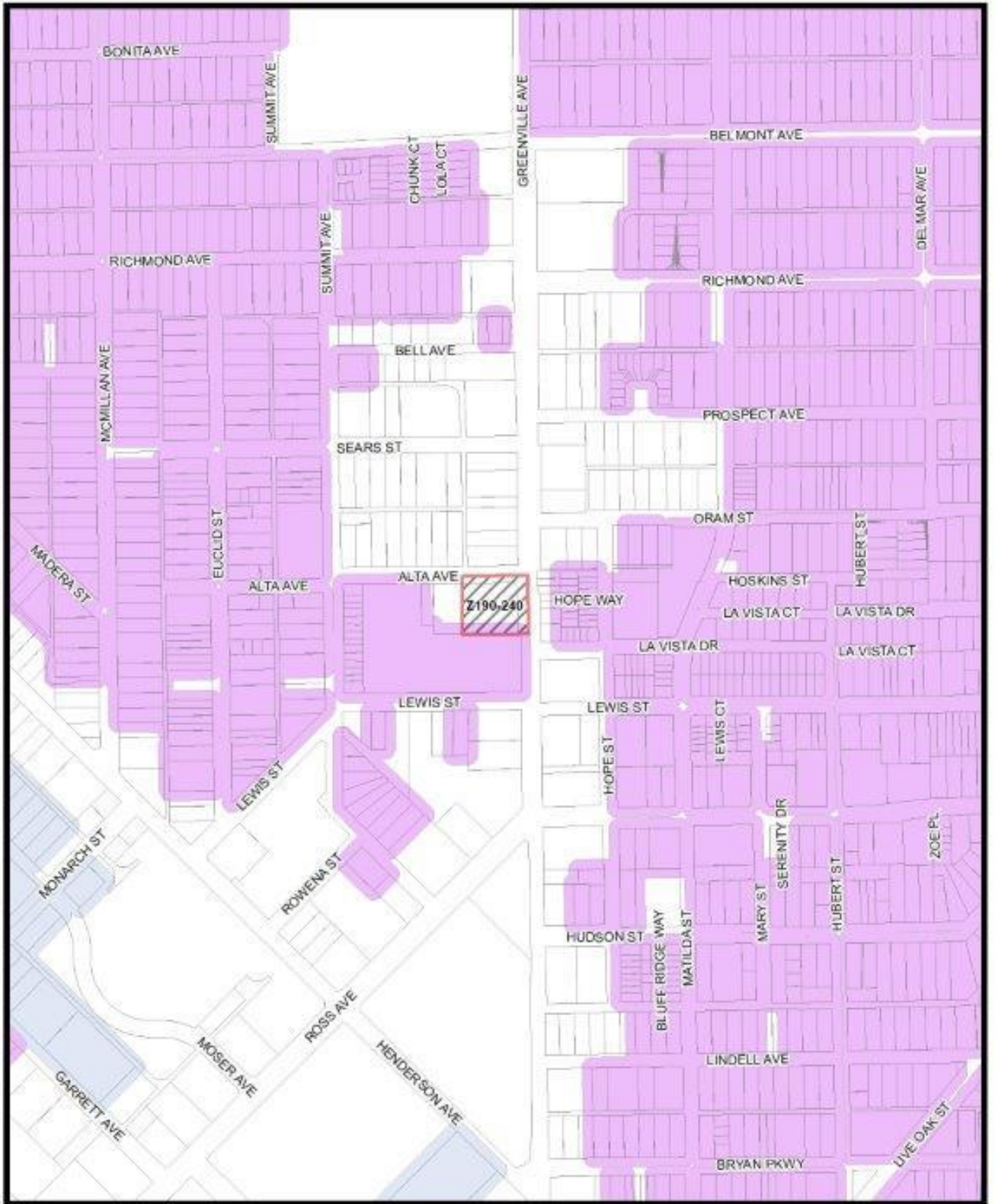
AERIAL MAP

Case no: Z190-240

Date: 6/25/2020







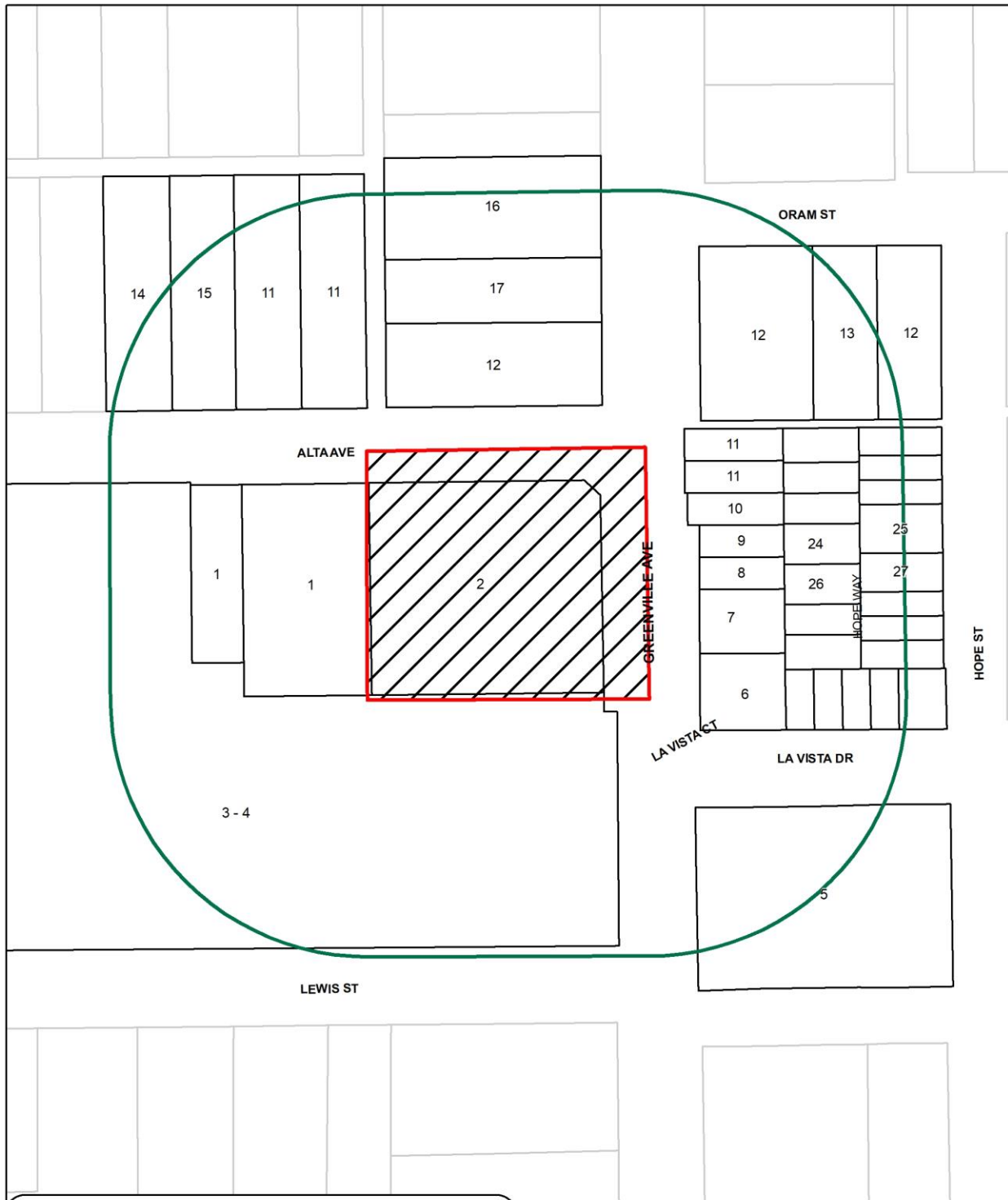
Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 6/25/2020

CPC RESPONSES



<u>36</u>	Property Owners Notified (42 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>7/9/2020</u>	Date

Z190-240
CPC



1:1,200

07/08/2020

Reply List of Property Owners***Z190-240******36Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5626	ALTA AVE	LATORRE ROBERT INC
2	1827	GREENVILLE AVE	LOWGREEN PS
3	1811	GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
4	1811	GREENVILLE AVE	GREENWAY GREENVILLE LP
5	1802	GREENVILLE AVE	1800 GREENVILLE PARTNERS LLC
6	1900	GREENVILLE AVE	TRUST REAL ESTATE
7	1904	GREENVILLE AVE	GREENVILLE PARKS LP
8	1908	GREENVILLE AVE	GREENVILLE PARKS LP
9	1910	GREENVILLE AVE	MORENO RICHARD
10	1912	GREENVILLE AVE	CAMPBELL OLIVER
11	1914	GREENVILLE AVE	LOWGREEN PS LTD
12	5712	ORAM ST	LOWGREEN PS
13	5710	ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
14	5619	ALTA AVE	THACKER RICHARD E JR
15	5623	ALTA AVE	GREENWAYSEARS LP
16	1911	GREENVILLE AVE	INTERCITY INVESTMENT PROP
17	1909	GREENVILLE AVE	WORLDWIDE FOOD INC
18	1919	HOPE WAY	NGUYEN NGOC DIEP
19	1922	HOPE WAY	DICKEY ROBERT LEE III &
20	1917	HOPE WAY	MCFALL JAMES
21	1920	HOPE WAY	ISAACSON CHRISTOPHER M
22	1918	HOPE WAY	MARCH SEAN
23	1915	HOPE WAY	ALARCON WALDO & YAZMIN R
24	1913	HOPE WAY	HERNDON LINDSEY
25	1916	HOPE WAY	OTOOLE TIMOTHY
26	1911	HOPE WAY	NIEHUUS MICHAEL

Z190-240(JT)

07/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1912 HOPE WAY	SHUCH MATTHEW T &
	28	1910 HOPE WAY	HOWARD EMILY L & CHRISTOPHER G
	29	1909 HOPE WAY	JOHNSON RONALD L
	30	1908 HOPE WAY	GANDHI ANUPAMA K
	31	1907 HOPE WAY	WEINER ERIC DAVID
	32	1906 HOPE WAY	ABOUJAOUDE DORY
	33	5715 LA VISTA DR	CATHCART DAVID
	34	5713 LA VISTA DR	JACOBSON TYLER B &
	35	5711 LA VISTA DR	WHITE JULIUS
	36	5709 LA VISTA DR	SHANE MARIO M & RACHELLE