

FILE NUMBER: Z190-140(PD) **DATE FILED:** November 15, 2019

LOCATION: Southeast corner of South Malcolm X Boulevard and Birmingham Avenue

COUNCIL DISTRICT: 7 **MAPSCO:** 46 T

SIZE OF REQUEST: ± .298 acres **CENSUS TRACT:** 203.00

APPLICANT/OWNER: Adina Starke, Enchantment Studios LLC

REQUEST: An application for a CC Community Commercial Subdistrict and a Specific Use Permit for a commercial amusement (inside) use on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development No. 595, the South Dallas/Fair Park Special Purposed District.

SUMMARY: The applicant proposes to expand the uses allowed on-site to allow for a commercial amusement (inside) use.

CPC RECOMMENDATION: Approval of a CC Community Commercial Subdistrict; and approval of a Specific Use Permit for a commercial amusement (inside) use for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a CC Community Commercial Subdistrict; and approval of the Specific Use Permit for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The approximately .298-acre request site is developed with a retail use and contains an approximately 1,566 square structure.
- The request site is zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, South Dallas/Fair Park Special Purpose District. The NC Subdistrict prohibits a commercial amusement (inside) use. The requested CC Community Commercial Subdistrict requires a Specific Use Permit for the requested commercial amusement (inside) use.
- On September 26, 2001, the City Council approved Planned Development District No. 595, South Dallas/Fair Park Special Purpose District. The PD permits residential and nonresidential uses.
- The purpose of the request is to allow for an event center use for small gatherings such as the following but not limited to baby showers, bridal showers, birthday parties, retirement parties, graduation celebrations, dinner parties, business meetings, training classes, and community events.
- Commercial amusement (inside) defined by the City of Dallas Development Code as a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children’s amusement center, dance hall, motor track, or skating rink.

Zoning History: There have been no recent zoning requests in the vicinity within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Malcolm X Blvd	Major Arterial	60 ft.	60 ft
Birmingham Blvd	Collector	24 ft.	24 ft.

Traffic:

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

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 proposed zoning request meets the following goals and objectives of the comprehensive plan:

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

Surrounding Land Use:

	Zoning	Land Use
Site	NC Subdistrict w/in PD No. 595	Personal service, General merchandise
Northwest	NC Subdistrict w/in PD No. 595	Personal service
Northeast	R-5(A) Subdistrict w/in PD No. 595	Single Family
East	R-5(A) Subdistrict w/in PD No. 595, H/100	Vacant structure
Southeast	NC Subdistrict w/in PD No. 595	Personal service, vacant
Southwest	NC Subdistrict w/in PD No. 595	Restaurant w/o drive-in or drive-thru service

Land Use Compatibility

The approximately .298-acre request site is developed with a retail use that intends to continue operation. The surrounding uses consist of personal service uses to the northwest and southeast with a vacant structure to the southeast and east, single family to the northeast, and a restaurant without drive-in or drive-thru service to the southwest.

The purpose of the request is to allow for an event center use for small gatherings such as the following but not limited to baby showers, bridal showers, birthday parties, retirement parties, graduation celebrations, dinner parties, business meetings, training classes, and community events. No additions or enlargements are proposed.

The existing NC Neighborhood Commercial Subdistrict does not permit a commercial amusement (inside) use. Thus, the basis of the applicant’s request to rezone the property to a CC Community Commercial Subdistrict is to allow the commercial amusement (inside) use.

While the proposed CC Subdistrict is the next most restrictive subdistrict that allows the proposed use by SUP only, staff further supports the request because the additional uses that may be seen as incompatible under the proposed CC Subdistrict are only allowed by SUP. Therefore, staff is supportive and confident in ensuring additional oversight of these uses can be evaluated through the SUP process. A comparison of the subdistricts can be seen below.

USE	NC Neighborhood Commercial Commercial (existing)	CC Community Commercial (proposed)
AGRICULTURAL USES	--Community garden. --Market Garden. [SUP]	--Community Garden. --Market Garden.
COMMERCIAL AND BUSINESS SERV.	--Catering service. [SUP]	--Catering service. --Custom business service center. --Electronics service center. --Job or lithographic printing. [3,500 square feet or less] --Medical or scientific laboratory.
INDUSTRIAL USES	None Permitted.	None Permitted.
INSTITUTIONAL AND COMMUNITY SERVICE USES	--Adult day care facility. --Child-care facility. --Church. --Community service center. [SUP] --Library, art gallery, or museum. --Public or private school. [SUP]	--Adult day care facility. --Cemetery or mausoleum. [SUP] --Child-care facility. --Church. --College, university, or seminary. [SUP] --Community service center. [SUP] --Convalescent and nursing homes, hospice care, and related institutions. [SUP] --Convent or monastery --Library, art gallery, or museum. --Public or private school. [SUP]
LODGING USES	None Permitted	--Hotel or motel [SUP]
MISCELLANEOUS USES	--Temporary construction or sales office.	--Temporary construction or sales office.

<p>OFFICE USES</p>	<p>--Financial institution without drive-in window. --Medical clinic or ambulatory surgical center [<i>Plasma or blood donation center prohibited</i>] --Office.</p>	<p>--Alternative financial establishment [SUP] --Financial institution without drive-in window. --Financial institution with drive-in window. [DIR] --Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center]</p>
<p>RECREATION USES</p>	<p>--Private recreation center, club, or area. [SUP] --Public park, playground, or golf course.</p>	<p>--Private recreation center, club, or area. [SUP] --Public park, playground, or golf course.</p>
<p>RESIDENTIAL USES</p>	<p>--Live-work unit. [<i>Only one du per lot</i>]</p>	<p>--Live-work unit. [<i>Only one du per lot</i>]</p>
<p>RETAIL & PERSONAL SERVICE USES</p>	<p>Auto service center. [SUP in NC(E) Enhanced only] --Auto service center. [SUP in NC(E) Enhanced only] --Commercial parking lot or garage. [SUP] --Dry cleaning or laundry store. --Furniture store. [5,000 square feet or less] --General merchandise store. [<i>Must be 3,500 square feet or less</i>] --Mortuary, funeral home, or commercial wedding chapel. [SUP] --Motor vehicle fueling station. [<i>by SUP in NC(E) Enhanced only</i>] --Personal service uses. [<i>Massage establishment and tattoo or body piercing studio prohibited</i>] --Restaurant without drive-in or drive-through service. [RAR]</p>	<p>--Alcoholic beverage establishments. [SUP] --Ambulance service. [RAR] --Animal shelter or clinic without outside run. [RAR] --Auto service center. [SUP] --Business school. --Commercial amusement (inside). [SUP] --Commercial parking lot or garage. [SUP] --Dry cleaning or laundry store. -- Food or beverage store. [SUP if less than 5,000 square feet.] -- Furniture store. --General merchandise store. --Home improvement center; lumber, brick, or building materials sales yard. [DIR] --Household equipment and appliance repair. --Liquor store. [<i>In CC(E) Enhanced only.</i>] --Mortuary, funeral home, or commercial wedding chapel. --Motor vehicle fueling station. --Nursery, garden shop, or plant sales.</p>

		<p>--Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.]</p> <p>--Restaurant without drive-in or drive-through service. [RAR]</p> <p>--Restaurant with drive-in or drive-through service. [DIR]</p> <p>--Swap or buy shop. [SUP]</p> <p>--Theater.</p> <p>--Tobacco shop. [SUP]</p> <p>--Vehicle display, sales, and service. [SUP]</p>
TRANSPORTATION USES	--Transit passenger shelter.	<p>--Transit passenger shelter.</p> <p>--Transit passenger station or transfer center. [SUP or city council resolution.]</p>
UTILITY AND PUBLIC SERVICE USES	<p>--Local utilities [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities"]</p> <p>--Police or fire station. [SUP]</p> <p>--Post office. [SUP]</p> <p>--Tower/antenna for cellular communication. [SUP]</p>	<p>--Electrical substation. [SUP]</p> <p>--Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."]</p> <p>--Police or fire station.</p> <p>--Post office.</p> <p>--Tower/antenna for cellular communication. [See Section 51A4.212(10.1), "Tower/antenna for cellular communication." Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.]</p>
WHOLESALE, DISTRIBUTION AND STORAGE USES	None Permitted.	<p>--Mini-warehouse. [SUP]</p> <p>--Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]</p>
ACCESSORY USES	<p>--Accessory outside display of merchandise.</p> <p>--Accessory outside sales.</p> <p>--Accessory outside storage.</p>	<p>--Accessory outside display of merchandise.</p> <p>--Accessory outside storage.</p>

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

Further, staff supports the request to rezone the property to a CC Community Commercial Subdistrict because the property lies along a major arterial road and along the periphery of the adjacent residential districts. Additionally, the requirement of a specific use permit for the operation of the commercial amusement (inside) use provides for means to evaluate within a given time-period, the compatibility of the use with the surrounding area.

At the City Plan Commission meeting, the Commission further imposed a modification to the approval prohibiting the use of adult arcade, adult cabaret, adult theater, billiard hall, bowling alley, motor tract and skating rink; as they believe those uses may pose a negative impact on surrounding single family districts.

Development Standards:

DISTRICT	SETBACKS		Lot Size	FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear					
Existing: NC Neighborhood Commercial Subdistrict	0-15'	15' if adj to or across an alley from a res subdistrict 0' Others	No min	0.5	30'	40%	Commercial
Proposed: CC Community Commercial Subdistrict	0-15'	15' if adj to or across an alley from a res subdistrict 0' Others	No min.	.75 for office .5 for retail .75 combined	54'	60%	Commercial

Parking:

Per the City of Dallas Development Code, the commercial amusement (inside) use is parked at one parking space per 100 square feet of floor area. If a SUP is required or the use, the off-street parking requirements may be established in the ordinance

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granting the SUP. The square footage of the building is 1,566 square feet which would require 16 parking spaces. The site will have a total of 16 parking spaces for the site.

As depicted in the proposed site plan a total of 16 off-street parking spaces will be provided on site with an additional two spaces for bicycles.

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 to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties to the northwest and northeast are located within a "G" MVA.

Landscaping

Landscaping must be provided in accordance with PD No. 595. However, landscape compliance will only be required if additions are proposed or more than 2,000 square feet of impervious surface is proposed.

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LIST OF OFFICERS

Adina A. Starke, owner
Axel M. Starke, owner

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CPC ACTION
June 18, 2020

Motion: It was moved to recommend **approval** of a CC Community Commercial Subdistrict and **approval** of a Specific Use Permit for a commercial amusement (inside) use for a two-year period, subject to a site plan and conditions (as briefed) with the following modification: prohibit the use of adult arcade, adult cabaret, adult theater, billiard hall, bowling alley, motor tract and skating rink on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast corner of South Malcolm X Boulevard and Birmingham Avenue.

Maker: Jackson
Second: Schultz
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson, Shidid, Carpenter, Jackson, Blair, Jung, Housewright, Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

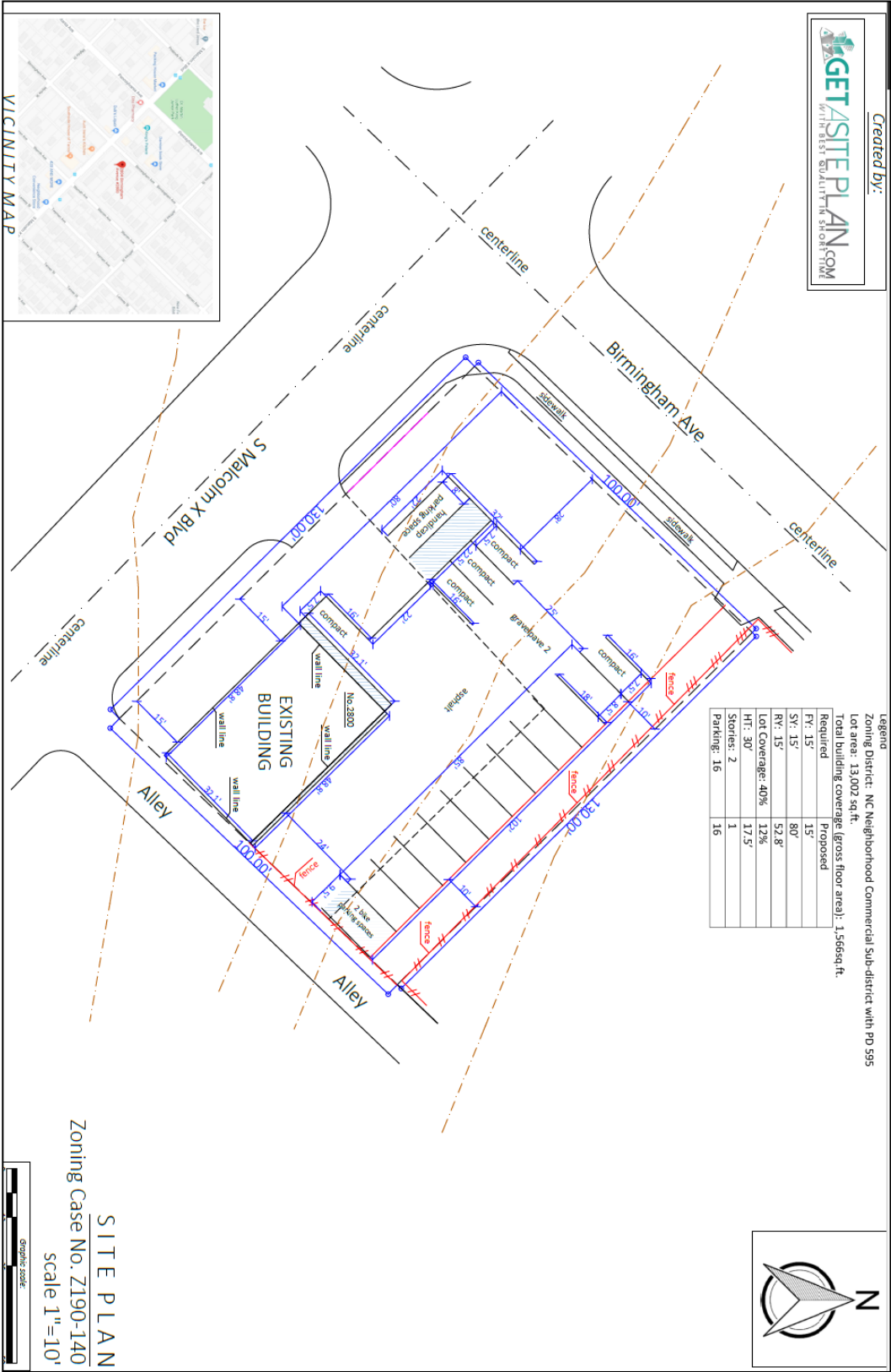
Notices: Area: 200 Mailed: 29
Replies: For: 0 Against: 3

Speakers: For: Andina Starke, 1428 Wentwood Dr., Irving, TX, 75061
For (Did not speak): Axel Starke, 1428 Wentwood Dr., Irving, TX, 75061
Against: Gwendolyn Satterwait, 4804 Cape Coral Dr., Dallas, TX, 75287

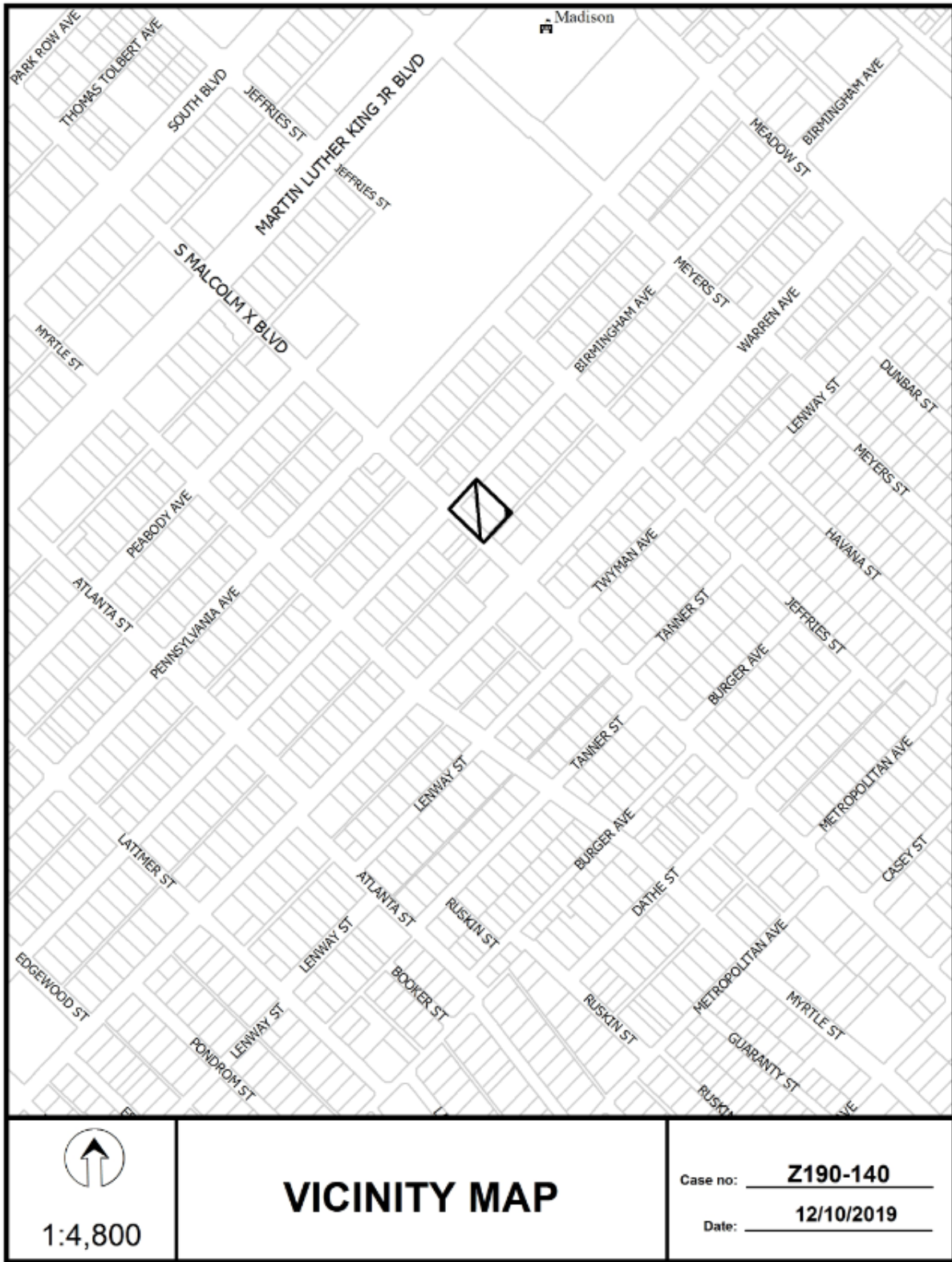
CPC RECOMMENDED CONDITIONS

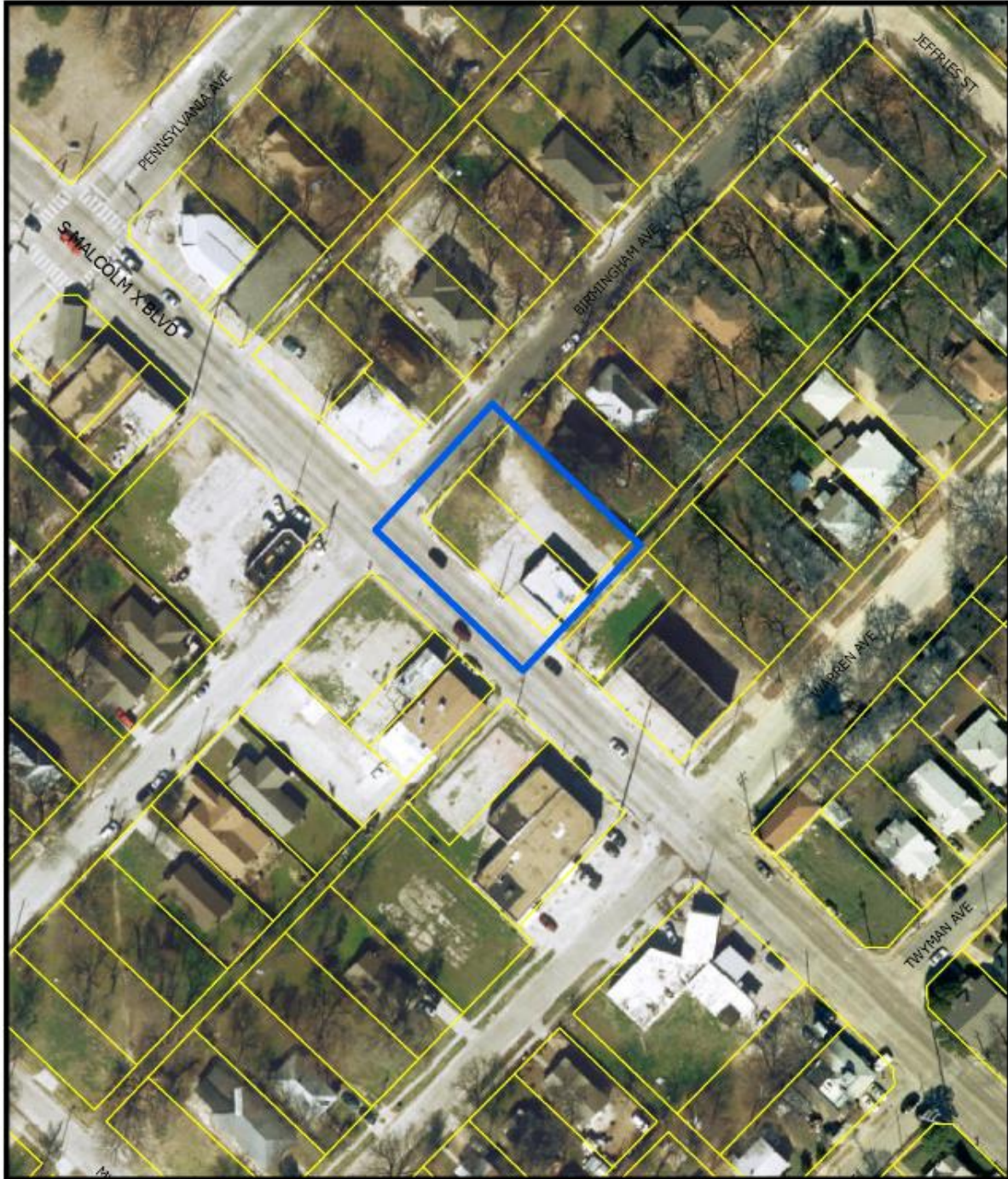
1. USE: Except for adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children's amusement center, dance hall, motor track and skating rink, the only use authorized by this specific use permit is a commercial amusement (inside).
2. SITE PLAN: Use and development of the property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [two years from the passage of this ordinance].
4. FLOOR AREA: The maximum floor area is 1,566 square feet.
5. HOURS OF OPERATION: A commercial amusement (inside) may only operate between 8:00 a.m. and 10:00 p.m., Monday through Thursday, and Sunday; and between 8:00 a.m. and 1:00 a.m., Friday and Saturday.
6. PARKING: Parking must be located as shown on the attached site plan.
7. SCREENING: A solid screening fence must be maintained along the northern Property line in the location shown on the attached site plan.
8. MAINTENANCE: The property must be properly maintained in a state of good repair and neat appearance.
9. 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.

CPC RECOMMENDED SITE PLAN



SITE PLAN
 Zoning Case No. Z190-140
 Scale 1"=10'

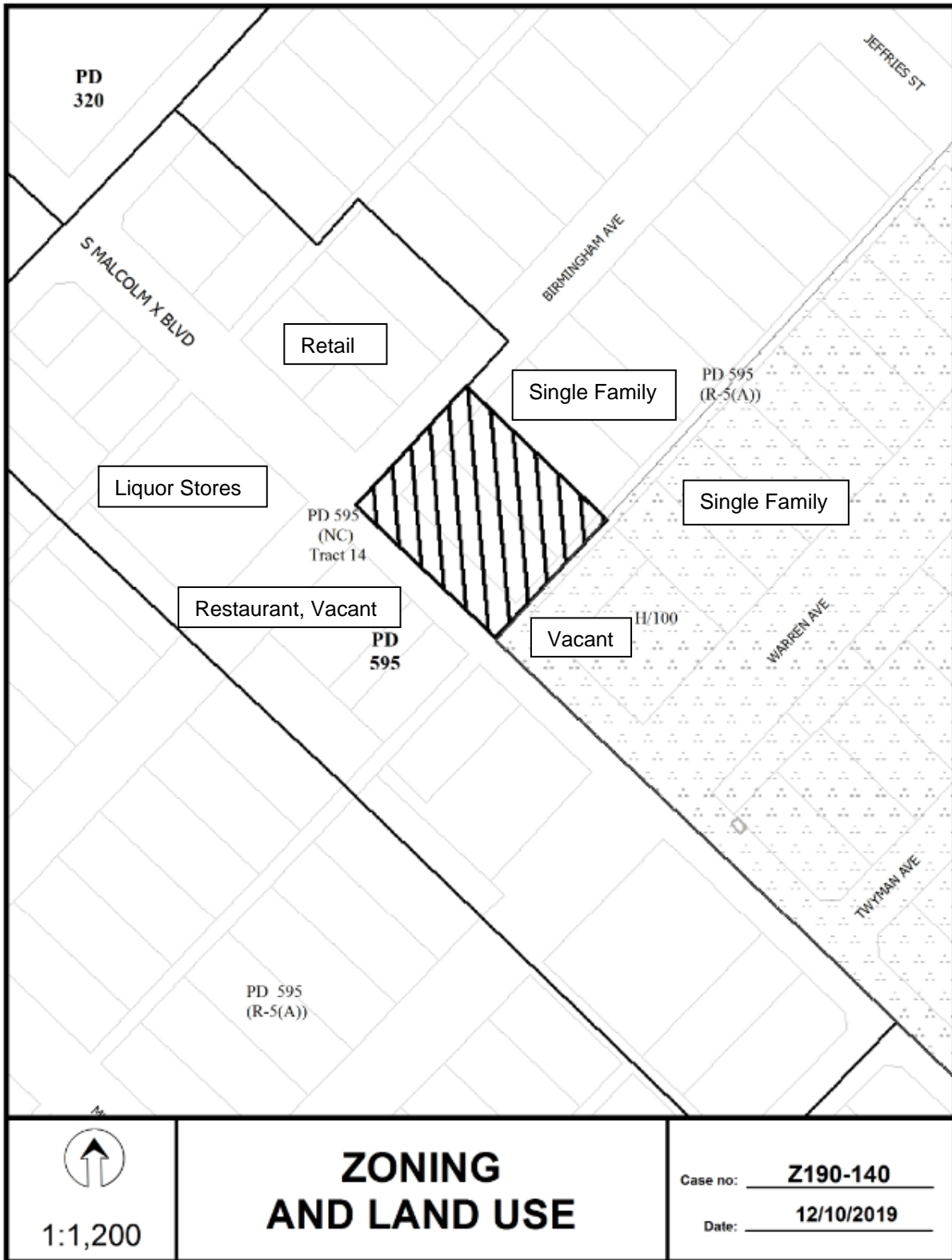


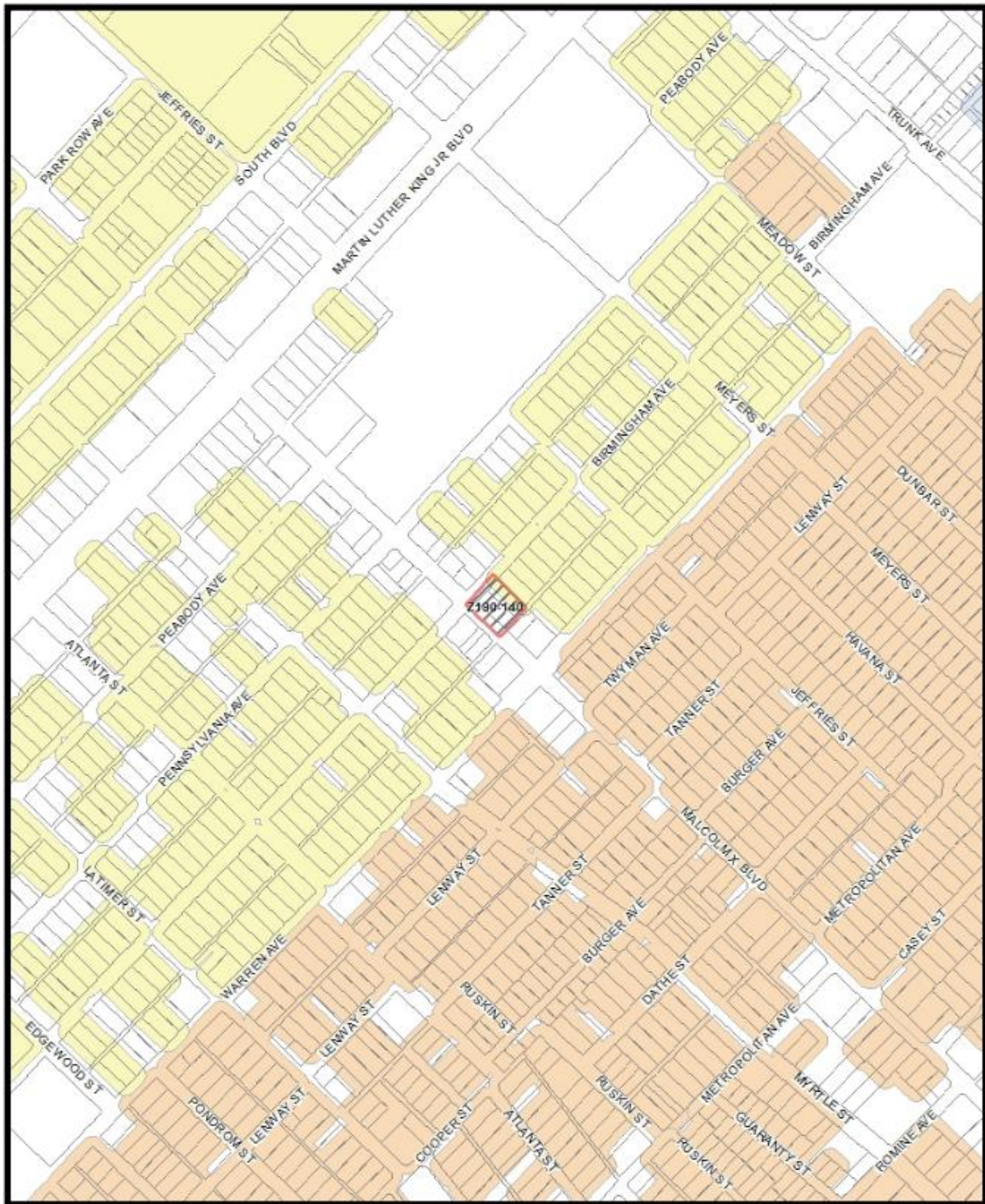


1:1,200

AERIAL MAP

Case no: Z190-140
Date: 12/10/2019





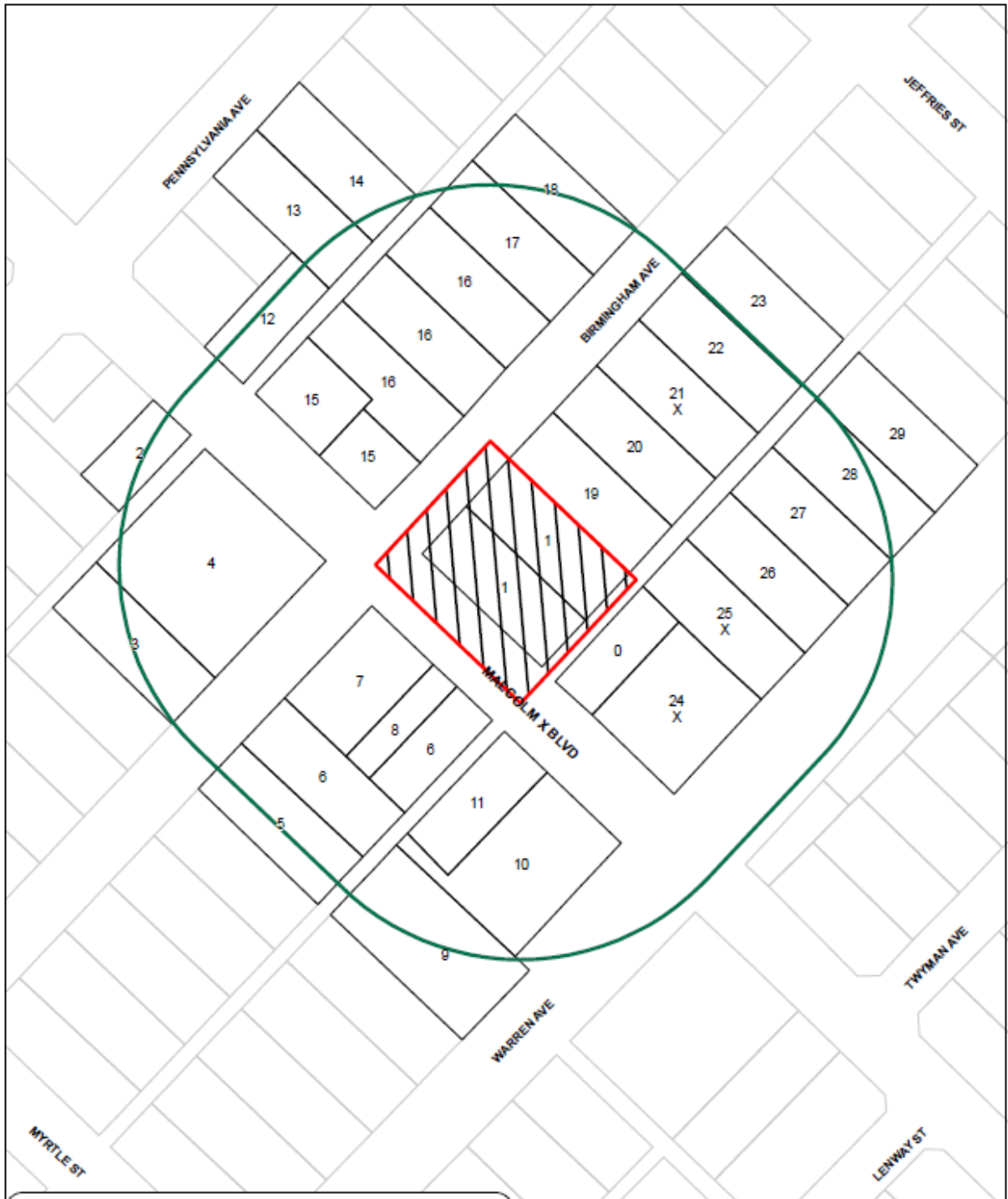
Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 12/10/2019

CPC RESPONSES



<u>29</u>	Property Owners Notified (35 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>3</u>	Replies in Opposition (3 parcels)
<u>200'</u>	Area of Notification
<u>6/18/2020</u>	Date

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CPC



1:1,200

06/17/2020

Reply List of Property Owners***Z190-140******29 Property Owners Notified******0 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2800 BIRMINGHAM AVE	ENCHANTMENT STUDIOS LLC
	2	3207 S MALCOLM X BLVD	SANTRUPT FAMILY IRREVOCABLE
	3	2723 BIRMINGHAM AVE	SOLARES JUAN
	4	3217 S MALCOLM X BLVD	BOGALE ABEBA W
	5	2720 BIRMINGHAM AVE	BLACKWELL SHEILA A
	6	2724 BIRMINGHAM AVE	JAMES CLARESE
	7	3301 S MALCOLM X BLVD	SUCASA REALPARAISO LLC
	8	3307 S MALCOLM X BLVD	SUCASA REALPARAISO LLC
	9	2721 WARREN AVE	WHITE OTIS
	10	2727 WARREN AVE	2111 CARTWRIGHT LLC
	11	3313 S MALCOLM X BLVD	BENSON KASINDA
	12	3208 S MALCOLM X BLVD	PACIFIC OASIS LLC
	13	2808 PENNSYLVANIA AVE	GALLARDO LUIS
	14	2812 PENNSYLVANIA AVE	FORRESTER JAMES L
	15	2801 BIRMINGHAM AVE	SCENIC MANAGEMENT LLC
	16	2805 BIRMINGHAM AVE	CLEAN SOUTH DALLAS FAIR
	17	2817 BIRMINGHAM AVE	RUTH PPTIES LLC
	18	2821 BIRMINGHAM AVE	CHAPPELL TAWANDA
	19	2810 BIRMINGHAM AVE	ESTRELLA MARIA G RAMIREZ
	20	2812 BIRMINGHAM AVE	YANES MARIO &
X	21	2816 BIRMINGHAM AVE	JONES KIERON
	22	2820 BIRMINGHAM AVE	LEE WANDA
	23	2824 BIRMINGHAM AVE	MINGO LTD
X	24	3316 S MALCOLM X BLVD	WATTS NATHANIEL W JR ETAL
X	25	2803 WARREN AVE	WATTS NATHANIEL T JR & DAISY C
	26	2815 WARREN AVE	RAMIREZLEDESMA ISaura

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2819 WARREN AVE	RAMIREZ CLARA
	28	2821 WARREN AVE	RODRIGUEZ MARICELA & METODIA
	29	2825 WARREN AVE	MOORE DEBORAH L