

FILE NUMBER: Z190-265(HC) **DATE FILED:** June 4, 2020
LOCATION: South of Ferguson Road, east of Maylee Boulevard
COUNCIL DISTRICT: 9 **MAPSCO:** 39 E
SIZE OF REQUEST: Approx. 0.443 acres **CENSUS TRACT:** 126.03

OWNER: Art Ron Ferguson, LLC

APPLICANT: Mike Blohm

REPRESENTATIVE: Jorge Hernandez, America Plans and Permits

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar on property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to allow for an existing nonconforming private club-bar to increase square footage on the subject site [Island Club].

CPC RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The applicant requests a Specific Use Permit to allow for an existing nonconforming one-story, 2,200 square foot private-club bar to increase its square footage. The private club bar is proposing to expand into the suite next door, resulting in a total of 3,700 square feet. The additional square footage will be used for more seating within the private-club bar.
- The establishment, operating as Island Club, obtained a certificate of occupancy as a private-club bar in 1996.
- A Private Club-Bar is defined as an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. Private-Club Bar does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. Private-Club Bar does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.
- A private-club bar is permitted by SUP only in a Community Retail District.

Zoning History: There has been one zoning case in the area over the past five years

1. **Z190-321:** On January 27, 2021, the City Council approved an amendment to Specific Use Permit No. 1543 for a public school other than an open-enrollment charter school use on property zoned R-7.5(A) Single Family District No, located on the east corner of Ferguson Road and Plummer Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Ferguson Road	Principal Arterial	100 ft. w/ bike plan
Maylee Boulevard	Local Street	-
Shiloh Road	Local Street	-

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.

COMPREHENSIVE PLAN:

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

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CR	Shopping Center
North	CR	Auto service center, car wash, retail and personal service uses
East	R-7.5(A)	Single Family Residential
South	R-7.5(A)	Single Family Residential
West	CR	General merchandise or food store with fueling station, restaurant, auto service center

Land Use Compatibility:

The business has been operating since 1996 within a shopping center and is adjacent to a variety of retail, personal services, and single-family residential uses. These land uses consist of single family to the east and south, personal service, auto service center, car wash and retail uses to the north, and general merchandise or food store with fueling station, restaurant, and auto service center to the west.

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.

Staff supports the request for a two-year period with two-year automatic renewals because the request complies with all other zoning regulations and is not foreseen to be detrimental to surrounding properties. Additionally, a two-year period would require it to be re-evaluated in a short period of time within the automatic renewal procedure after the proposed expansion.

Landscaping:

Landscaping in accordance with the landscaping requirements in Article X, as amended.

Parking:

The off-street parking requirement for a private-club bar is one parking space per each 100 square feet of floor area. The applicant has proposed a cumulative floor area of 3,700 square feet after expansion, therefore, 37 parking spaces are required per the Dallas Development Code. The site plan depicts a total of 254 parking spaces for all tenants within the shopping center, whereas 247 parking spaces are required.

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 not located within an MVA cluster but is surrounded by “F” MVA category to the south and east.

Z190-265(HC)

List of Partners/ Principals/ Officers

Mike Blohm - Sole Owner

**CPC ACTION
JULY 1, 2021**

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions; as briefed, on property zoned a CR Community Retail District, south of Ferguson Road, east of Maylee Boulevard.

Maker: Jung
Second: Hampton
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Suhler, Schwope, Murphy, Garcia

Against: 0
Absent: 1 - Rubin
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 26
Replies: For: 0 Against: 3

Speakers: None

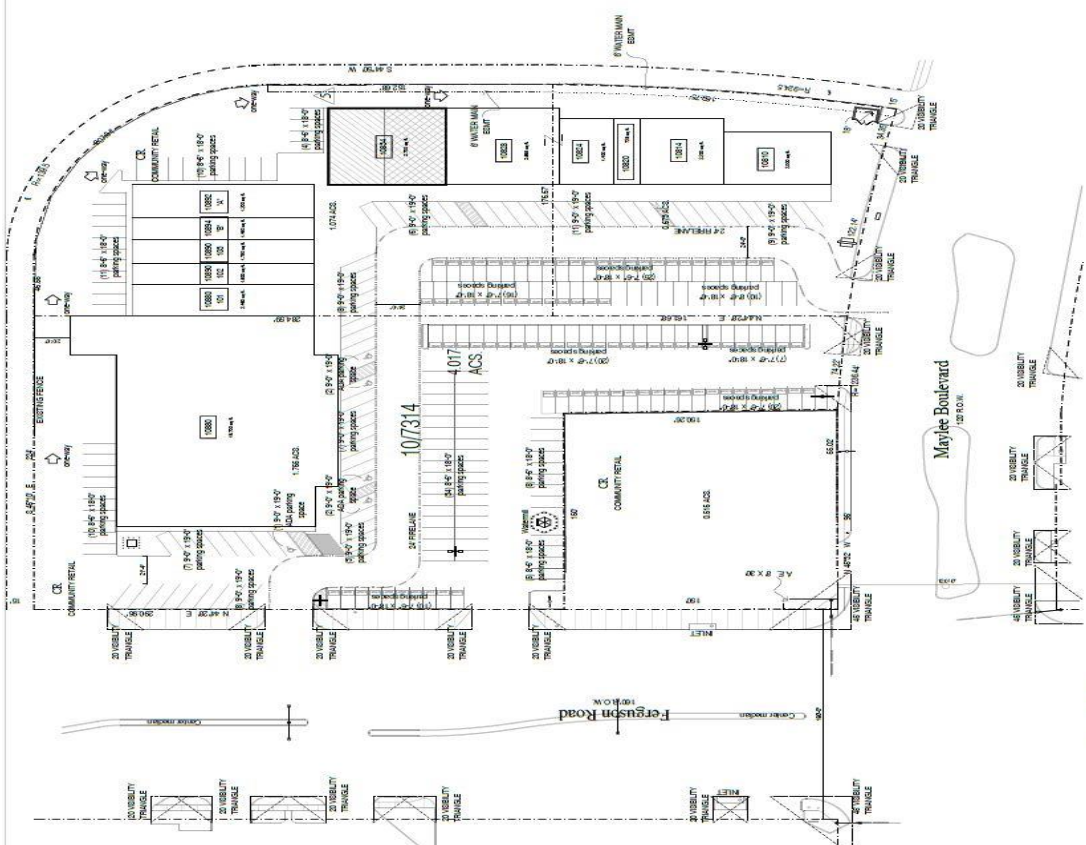
CPC Recommended Site Plan

Address	Site	DBA	Use	Square footage	Parking Ratio	Parking Spaces Required
10810	n/a	M-Store #2	General Merchandise or Food Store	2,000	1 to 200	10
10814	n/a	Ferguson Coin Laundry	Dry Cleaning or Coin Laundry	2,200	1 to 200	11
10816	n/a	Watermill Express	General Merchandise	42	1 to 200	1
10820	n/a	Emel's Beauty Salon	Personal Service	800	1 to 200	4
10824	n/a	(VACANT)	Electronic Service Center	1,400	1 to 300	5
10828	n/a	Seaboard Dairy and Sausage	Restaurant/Without Alcohol	3,665	1 to 100	36
10834	n/a	The Island Club	Amusement/Entertainment Establishment	3,700	1 to 100	37
10880	n/a	Super Mercado El Centro	General Merchandise	16,700	1 to 200	89
10880	101	Beauty Salon	Personal Service	2,400	1 to 200	13
10880	102	Tel. Call Phone Shop	Electronic Service Center	1,600	1 to 200	8
10880	103	(VACANT)	General Merchandise	1,750	1 to 200	9
10882	"A"	(VACANT)	General Merchandise	1,200	1 to 200	6
10884	"B"	(VACANT)	General Merchandise	1,400	1 to 200	8
Total Parking Required						247
Total Parking Provided						264
Compact Spaces: 15% max						59 parking spaces

Combined 10824 and 10830 into one site. Total square footage is 3,700 sq. ft.

ZONING REQUIREMENTS	
Required	Actual
Front yard: 15'-0"	23'-1"
Side yard: 20'-0"	18'-3"
Rear yard: 20'-0"	71'-0"
Height: 54'-0"	10'-4"
Lot coverage: 60%	31.9%
Total parking: 18	18
Retail & personal service floor area:	3,700 square feet
Parking for retail & personal service:	1 per 100 sq ft = 37 spaces

Legend	
	New floor area to be added
	Original floor area
	Combined area

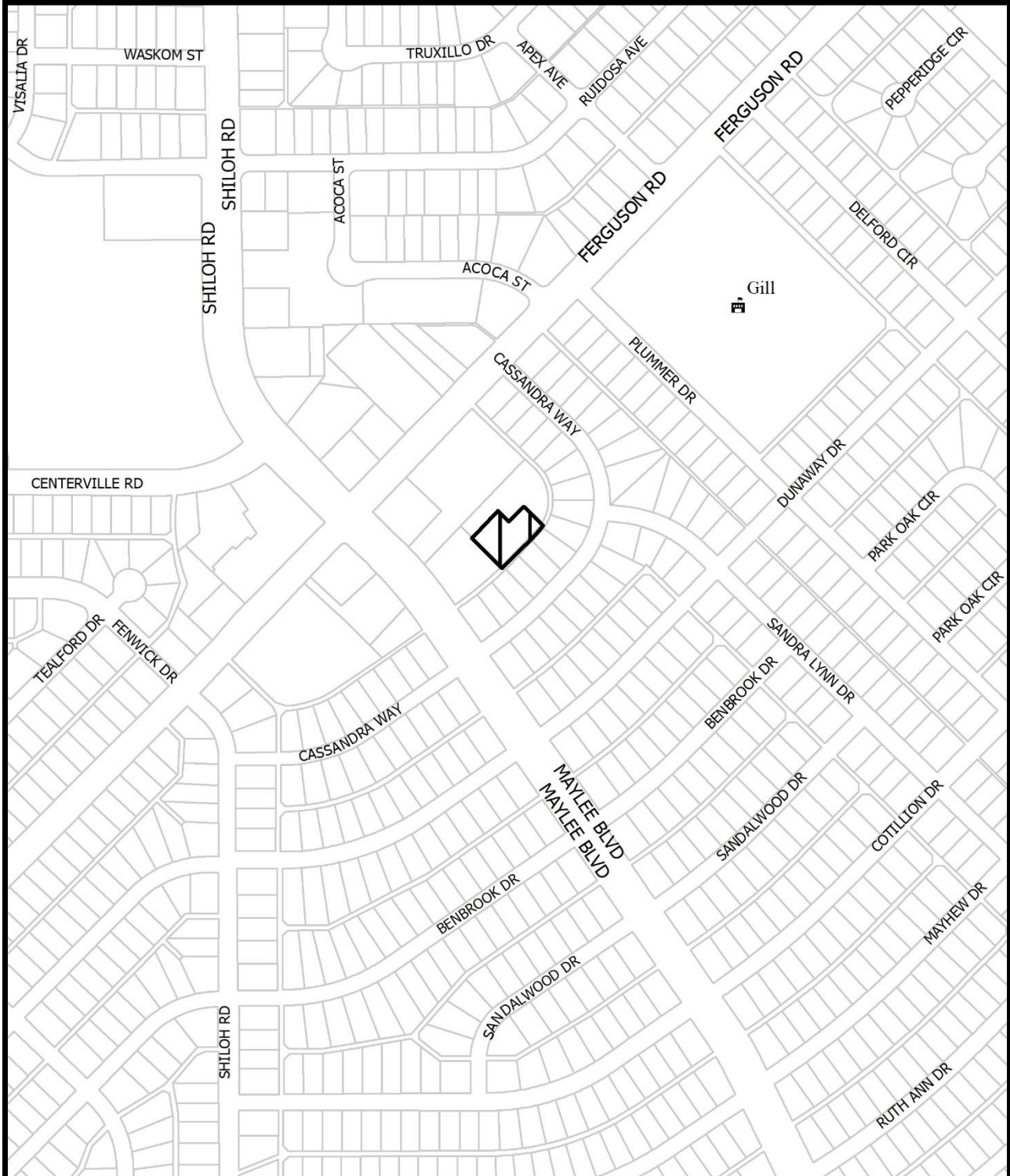


001 SITE PLAN
SHEET 1 of 4



CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar.
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-year period from the passage of this ordinance) but is eligible for automatic renewal for additional two-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.)
3. FLOOR AREA: The maximum floor area for the private-club bar is 3,700 square feet.
4. HOURS OF OPERATION: The alcoholic beverage establishment limited to a private-club bar may only operate between 10 a.m. and 2:00 a.m. (the next day) seven days a week.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

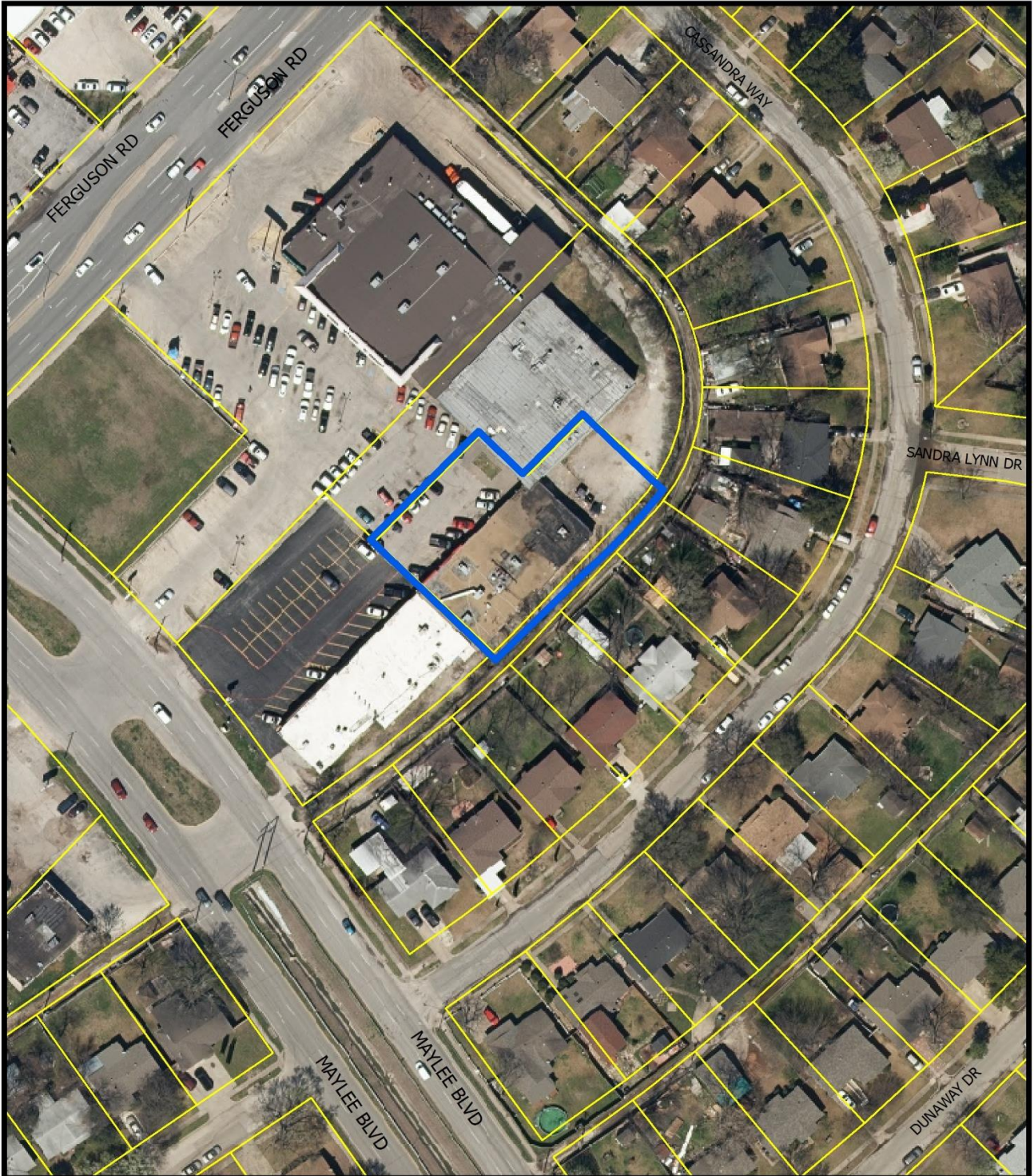


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VICINITY MAP

Case no: **Z190-265**

Date: **11/24/2020**

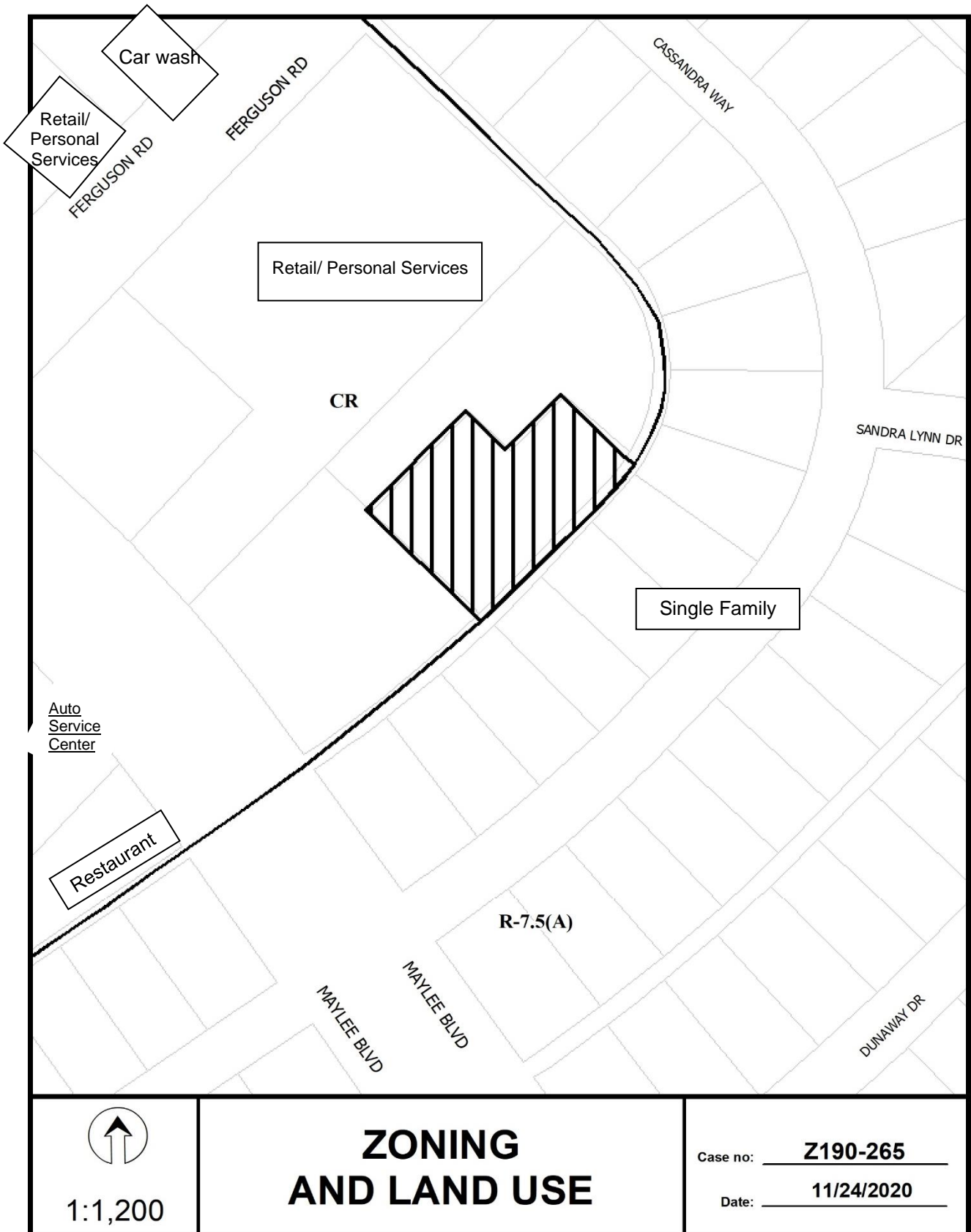


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AERIAL MAP

Case no: **Z190-265**

Date: **11/24/2020**

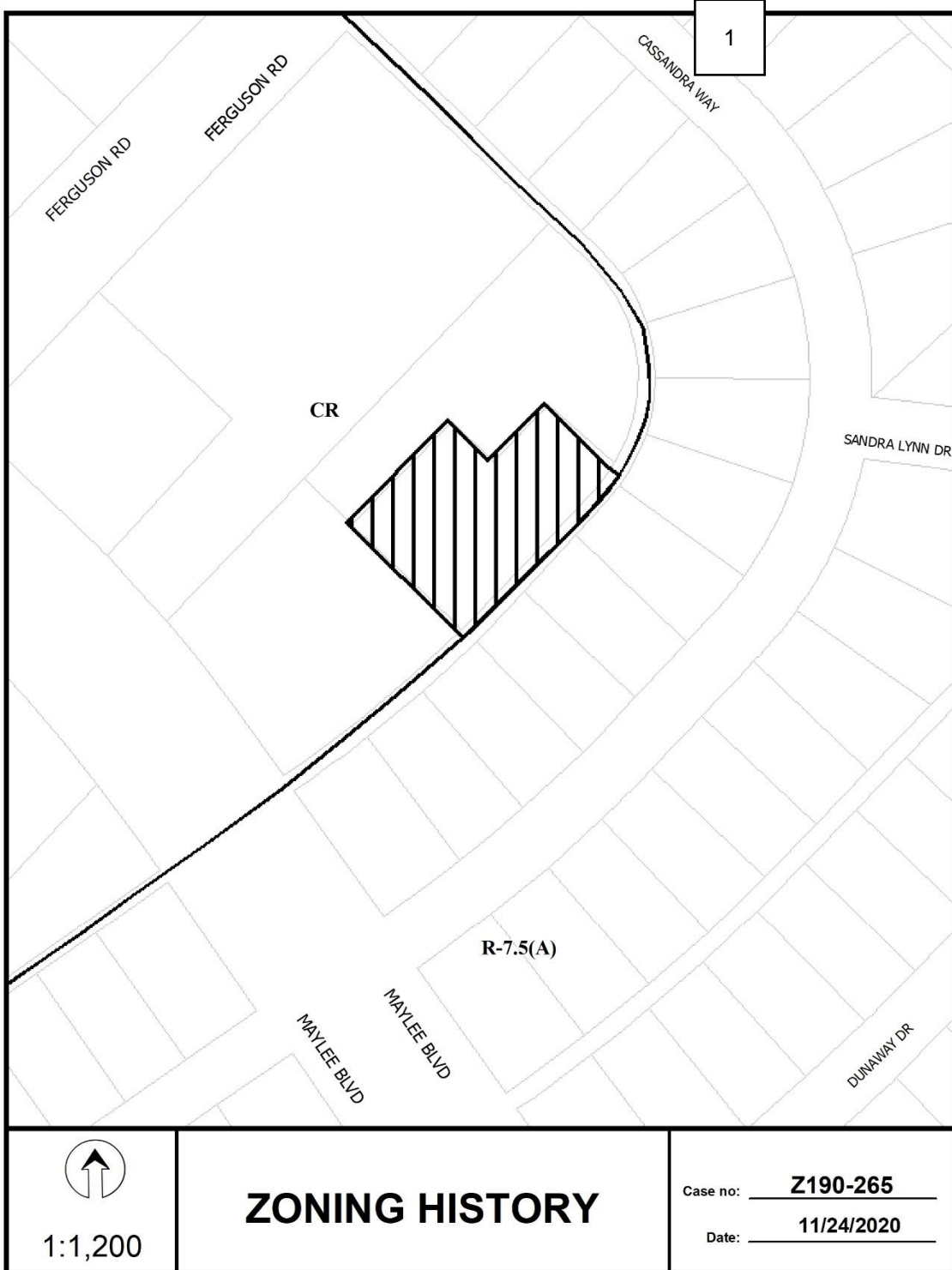


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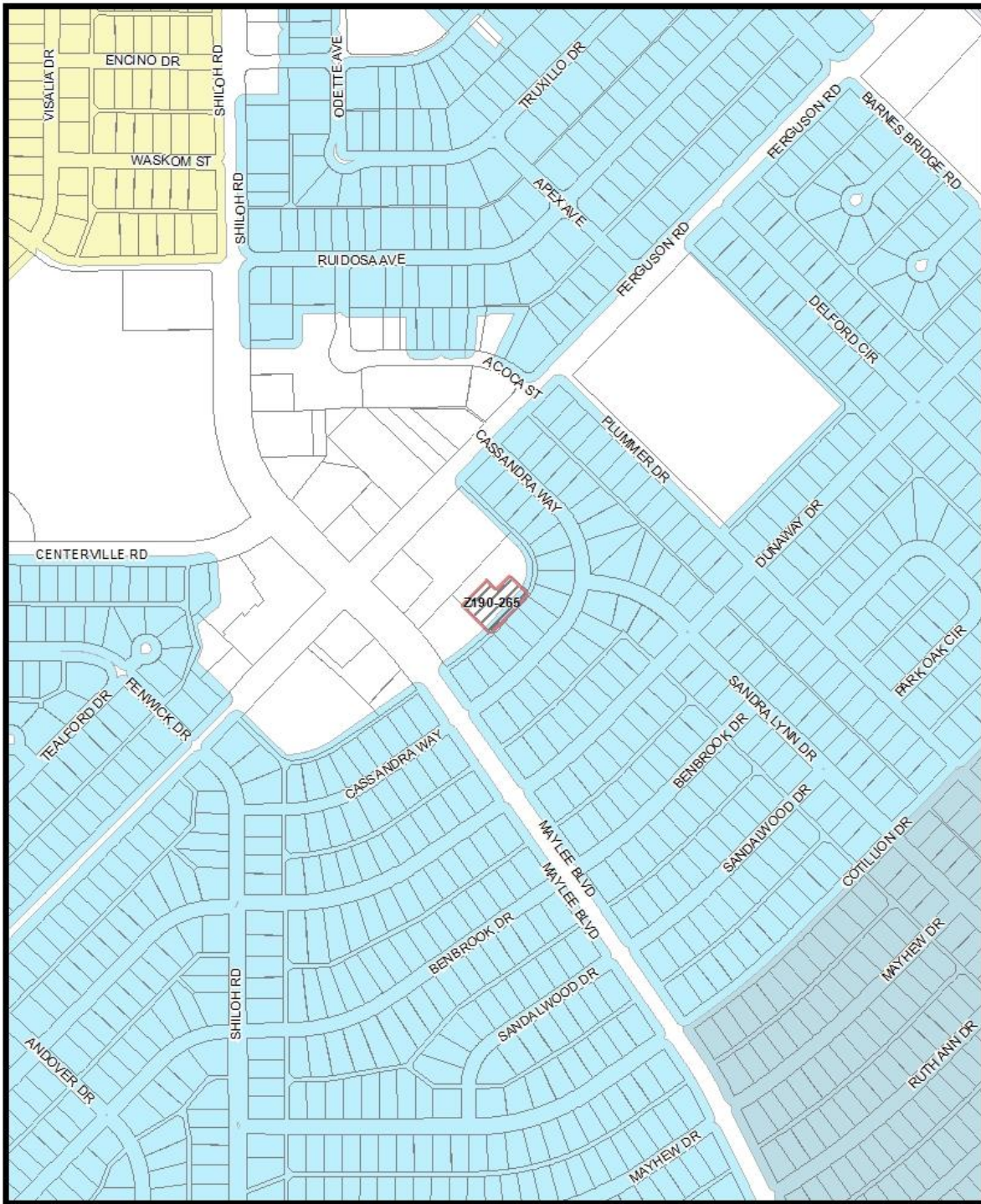
ZONING AND LAND USE

Case no: Z190-265

Date: 11/24/2020



Y



Market Value Analysis



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Market Value Analysis

Printed Date: 11/25/2020

CPC Responses



<u>26</u>	Property Owners Notified (26 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>3</u>	Replies in Opposition (3 parcels)
<u>200'</u>	Area of Notification
<u>7/1/2021</u>	Date

Z190-265
CPC



1:1,200

06/30/2021

Reply List of Property Owners

Z190-265

26 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	10890 FERGUSON RD	ART RON FERGUSON LLC
	2	10890 FERGUSON RD	Taxpayer at
	3	10810 FERGUSON RD	Taxpayer at
	4	10800 FERGUSON RD	TRUONG MINH THI &
	5	10880 FERGUSON RD	MARTINEZ RUBEN
	6	10805 CASSANDRA WAY	GALLEGOS RAUL
X	7	10811 CASSANDRA WAY	CHAPA MARTIN J & SARA RAMIREZ
X	8	10815 CASSANDRA WAY	COLE JUDY
	9	10819 CASSANDRA WAY	ORTIZ EPIFANIO &
	10	10823 CASSANDRA WAY	OROPEZA JUAN G
	11	10829 CASSANDRA WAY	TORRES JUAN P
	12	10835 CASSANDRA WAY	VASQUEZ JESUS DELGADO
	13	10839 CASSANDRA WAY	BAEZ SILVIANO GARCIA
	14	10847 CASSANDRA WAY	TREJO MANUEL D &
	15	10853 CASSANDRA WAY	ARMSTRONG ALLISON
	16	10859 CASSANDRA WAY	BARRAZA NORN
	17	10865 CASSANDRA WAY	MARTINEZ HECTOR
	18	10869 CASSANDRA WAY	KAN SOKKIM &
	19	10808 CASSANDRA WAY	CARTER VERONICA
X	20	10812 CASSANDRA WAY	SALMERON HUGO &
	21	10818 CASSANDRA WAY	KHAKI INVESTMENTS LLC
	22	10822 CASSANDRA WAY	SIMMONS JOHN W
	23	10826 CASSANDRA WAY	MONDRAGON AMAIRANI F
	24	10830 CASSANDRA WAY	FENIMORE RODNEY PATRICK &
	25	10834 CASSANDRA WAY	HARRIS VIVIANNE
	26	10838 CASSANDRA WAY	VALENCIA YESICA N SANCHEZ