

**CITY PLAN COMMISSION**

**THURSDAY, MAY 18, 2023**

**Planner: Jennifer Muñoz**

**FILE NUMBER:** Z223-129(JM) **DATE FILED:** November 15, 2022

**LOCATION:** Southeast corner of Greenville Avenue and Oram Street

**COUNCIL DISTRICT:** 14

**SIZE OF REQUEST:** Approx. 0.279 acres **CENSUS TRACT:** 48113001101

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**OWNER:** Lowgreen PS

**APPLICANT:** Rye Dallas, LLC

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned ~~Subdistrict No. 2~~ within Planned Development District No. 842 with an MD-1 Modified Delta Overlay.

**SUMMARY:** The applicant requests to operate an existing restaurant [Rye Restaurant] during late hours (9:00 p.m. to 2:00 a.m.), Monday through Sunday.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**PD No. 842:**

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=842>

## **BACKGROUND INFORMATION:**

- 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.
- The 0.279-acre area of request is developed with an approximately 10,467-square foot two-story building with four suites erected in 1930, and a one-story 494-square-foot “cocktail lounge” erected in 2005, per DCAD records.
- Rye Restaurant and Apothecary received a Certificate of Occupancy on April 16, 2021 and occupies two suites with a floor area of 3,820 square feet and a patio area of 850 square feet.
- PD No. 842 defines a late hours establishment as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The applicant is seeking to extend the hours of operation for the restaurant use to 2 a.m., Monday through Sunday.

## **Zoning History:**

There have been 19 zoning cases in the area in the last five years.

1. **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 an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between Oram Street and LaVista Drive.
2. **Z189-150:** On April 10, 2019, the City Council approved Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a one-year period, on property zoned Planned Development District No. with an MD-1 Modified Delta Overlay District on east side of Greenville Avenue, south of Stonebriar Court.
3. **Z189-206:** On August 28, 2019, the City Council approved the creation of Subdistrict 2 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the northeast corner of Greenville Avenue and Oram Street.
4. **Z189-227:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern, has been automatically renewed for an additional two-year time period, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.

5. **Z189-251:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 2346 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 southwest corner of Alta Avenue and Greenville Avenue, for a four-year period.
6. **Z189-261:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.
7. **Z189-333:** On January 8, 2020, 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 on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
8. **Z190-125:** On February 26, 2020, the City Council approved the renewal of Specific Use Permit No. 2327 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 east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
9. **Z190-139:** On August 26, 2020, City Council approved Subdistrict 3 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay on the east line of Greenville Avenue, north of La Vista Drive.
10. **Z190-236:** On January 13, 2021, City Council approved Specific Use Permit No. 2401 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 with Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on the west line of Greenville Avenue, south of Sears Street.
11. **Z190-306:** On December 9, 2020, the City Council approved the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a five-year period, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue.
12. **Z201-148:** On June 9, 2021, City Council approved the renewal of Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment

limited to a bar, lounge, or tavern on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, north of Prospect Avenue.

13. **Z201-154:** On May 26, 2021, 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 for a two-year period.
14. **Z201-204:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late hours establishment for a bar, lounge, or tavern use, has been automatically renewed for an additional two-year time period on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.
15. **Z201-258:** On November 10, 2021, the City Council approved the creation of Subdistrict 4 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.
16. **Z212-101:** On February 23, 2022, City Council approved the renewal of Specific Use Permit No. 1898 for a late-hours establishment limited to a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay at the southeast corner of Richmond Avenue and Greenville Avenue.
17. **Z212-135:** On March 9, 2022, City Council approved the renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a three-year period on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay at the northwest corner of Greenville Avenue and Bell Avenue.
18. **Z212-204:** On August 24, 2022, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.
19. **Z223-123 & 124:** An application to amend Subdistrict No. 1 and for a Specific Use Permit for a late hours establishment on property within Planned Development District No. 842 with an MD-1 Modified Delta Overlay located on the west side of Greenville

Avenue, north of Alta Avenue. [Cases scheduled for City Plan Commission hearing on May 18, 2023]

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type           | Existing ROW |
|---------------------|----------------|--------------|
| Greenville Ave      | Major Arterial | variable     |

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The request aligns with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

**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.

**Land Use:**

|              | <b>Zoning</b>                      | <b>Land Use</b>                                                                     |
|--------------|------------------------------------|-------------------------------------------------------------------------------------|
| <b>Site</b>  | PD 842 MD-1 Modified Delta Overlay | Personal service and general merchandise or food store                              |
| <b>North</b> | PD 842 MD-1 Modified Delta Overlay | Restaurant, financial institution, and general merchandise or food store            |
| <b>East</b>  | PD 842 MD-1 Modified Delta Overlay | Restaurant and general merchandise or food store                                    |
| <b>South</b> | PD 842 MD-1 Modified Delta Overlay | General merchandise or food store, restaurant, and alcoholic beverage establishment |
| <b>West</b>  | PD 842 MD-1 Modified Delta Overlay | Commercial parking lot                                                              |

**Land Use Compatibility:**

The approximate 0.279-acre site is zoned Planned Development No. 842 with an MD-1 Modified Delta Overlay District No. 1, the Greenville Avenue Modified Delta Overlay District and is currently developed with a two-story building with four and a total floor area of 10,961 square feet, per DCAD records.

The properties surrounding the subject site include restaurant, financial institution and general merchandise uses to the north, along Greenville Avenue. More restaurant and general merchandise uses are located to the northeast, east, south, and southeast of the area of request. Commercial parking lot uses are to the west and southwest of the property.

Rye Restaurant and Apothecary received a Certificate of Occupancy on April 16, 2021 and occupies two suites with a floor area of 3,820 square feet and a patio area of 850 square feet.

PD No. 842 defines a late hours establishment as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The applicant is seeking to extend the hours of operation for the restaurant use to 2 a.m., Monday through Sunday.

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.

Staff supports the request for an initial two-year period, subject to a site plan and conditions. Under the conditions proposed with limited hours of operation, outdoor speakers only until 12 a.m., and the site plan provided, the operation of the use during extended hours is compatible with the surrounding area. If the operation with the extended hours causes a nuisance or fails to meet the provisions of maintaining an SUP as described above, the public hearing process will assist with identifying those issues. Overall, the SUP process of renewal requiring public notification in a short period of time with the opportunity to address operation concerns will aid in the final determination of appropriateness over time.

**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.

**Parking:**

The site plan provided identifies a parking analysis inclusive of the entire property/all four suites. The total restaurant without drive-in or drive through floor area identified includes the subject applicant's 4,670 square feet and another suite with 5,152 square feet. The last suite occupies 2,749 square feet with a retail use. The restaurant uses require one parking space per 100 square feet of floor area. The retail use requires one space per 200 square feet of floor area. In all, 103 parking spaces are required. According to the analysis, 105 spaces are provided by remote parking agreement at 5712 Oram Street, 5601 Alta Avenue, and 1903 Greenville Avenue.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is within MVA cluster "C".

**List of Officers**

*Lowgreen PS – Andres Properties*

Shula Netzer, General Partner  
Marc Andres, Manager  
Roger Andres, Member

*Rye Dallas, LLC*

DBA Rye Apothecary

Tanner Agar, CEO  
Nicholas Cain, CFO

**Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is a late hours establishment limited to a restaurant without 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 **TWO YEARS** from passage of this ordinance.
4. FLOOR AREA: The maximum floor area is 4,670 square feet in the location shown on the attached site plan
5. HOURS OF OPERATION: The late hours establishment must cease operation by 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.
6. OUTSIDE SPEAKERS: Use of loudspeakers outdoors is prohibited between the hours of 12:00 a.m. and 2:00 a.m.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.

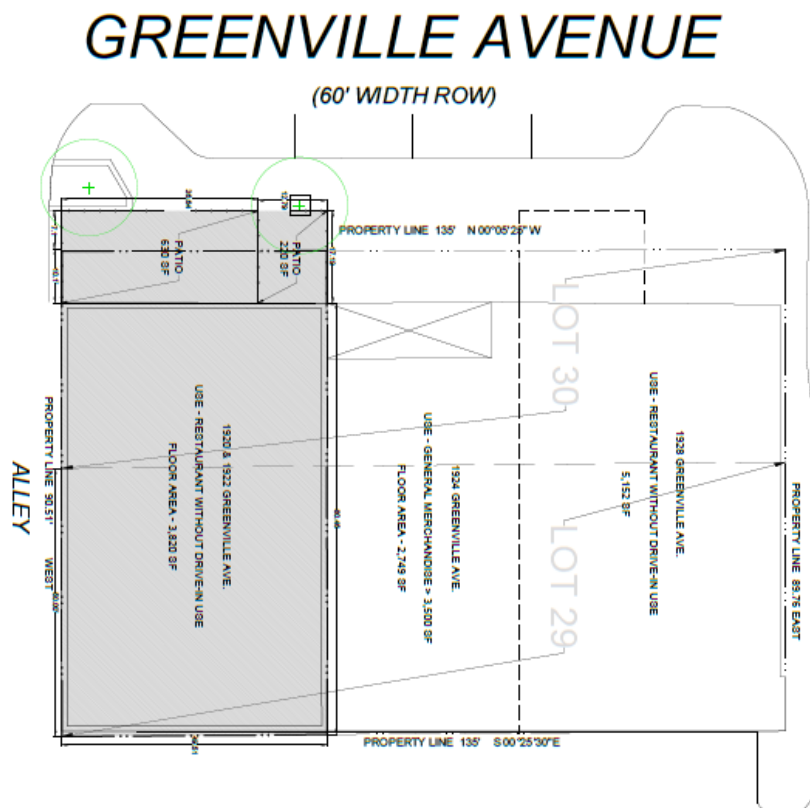
Proposed SUP Site Plan



1

SUP SITE PLAN

SCALE: 1" = 10'-0"



ORAN STREET  
(40' ROW)



VICINITY MAP  
NTS

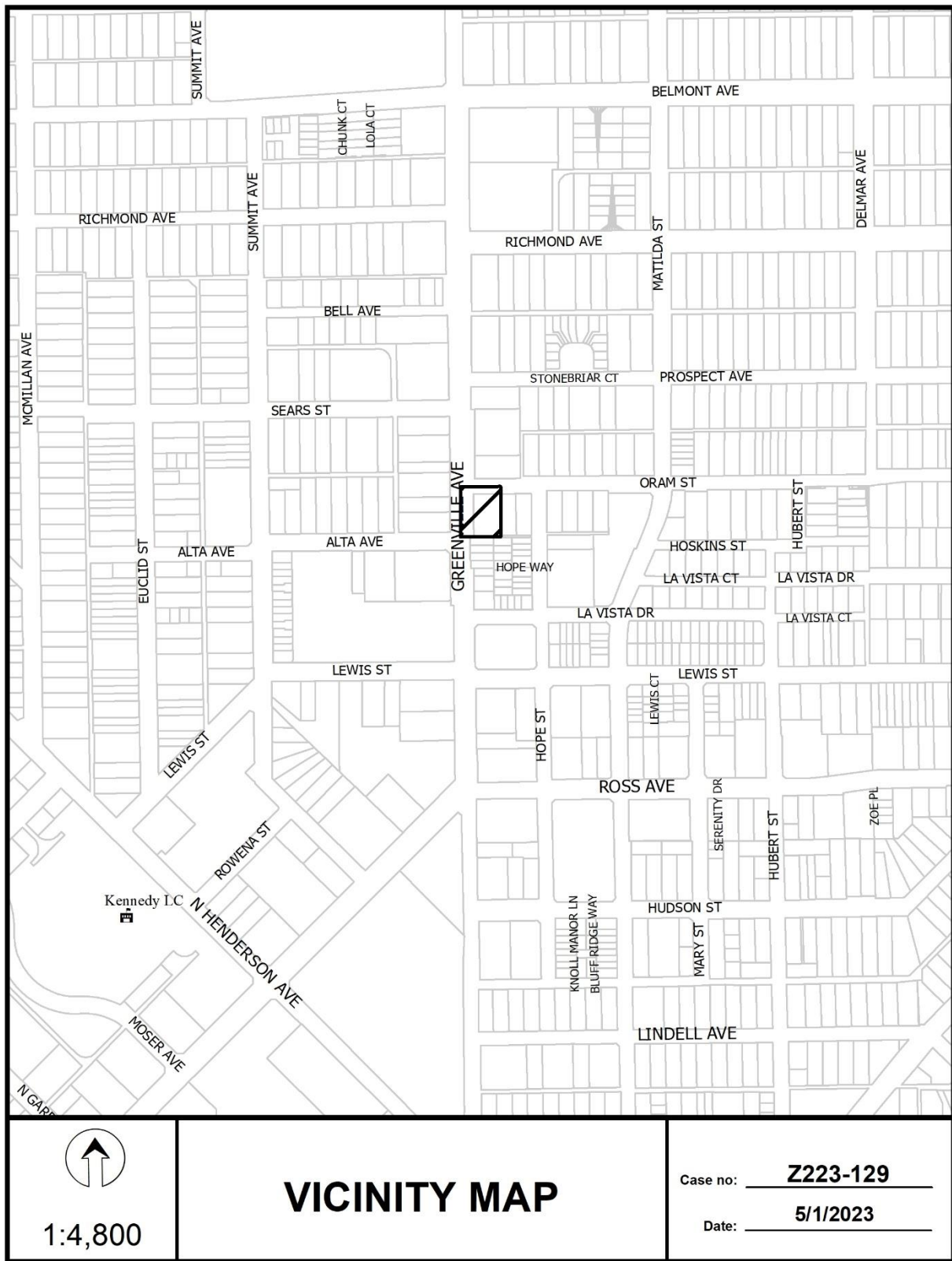
SUP - FOR LATE HOURS ESTABLISHMENT LIMITED TO A RESTAURANT WITHOUT A DRIVE-IN OR DRIVE THROUGH

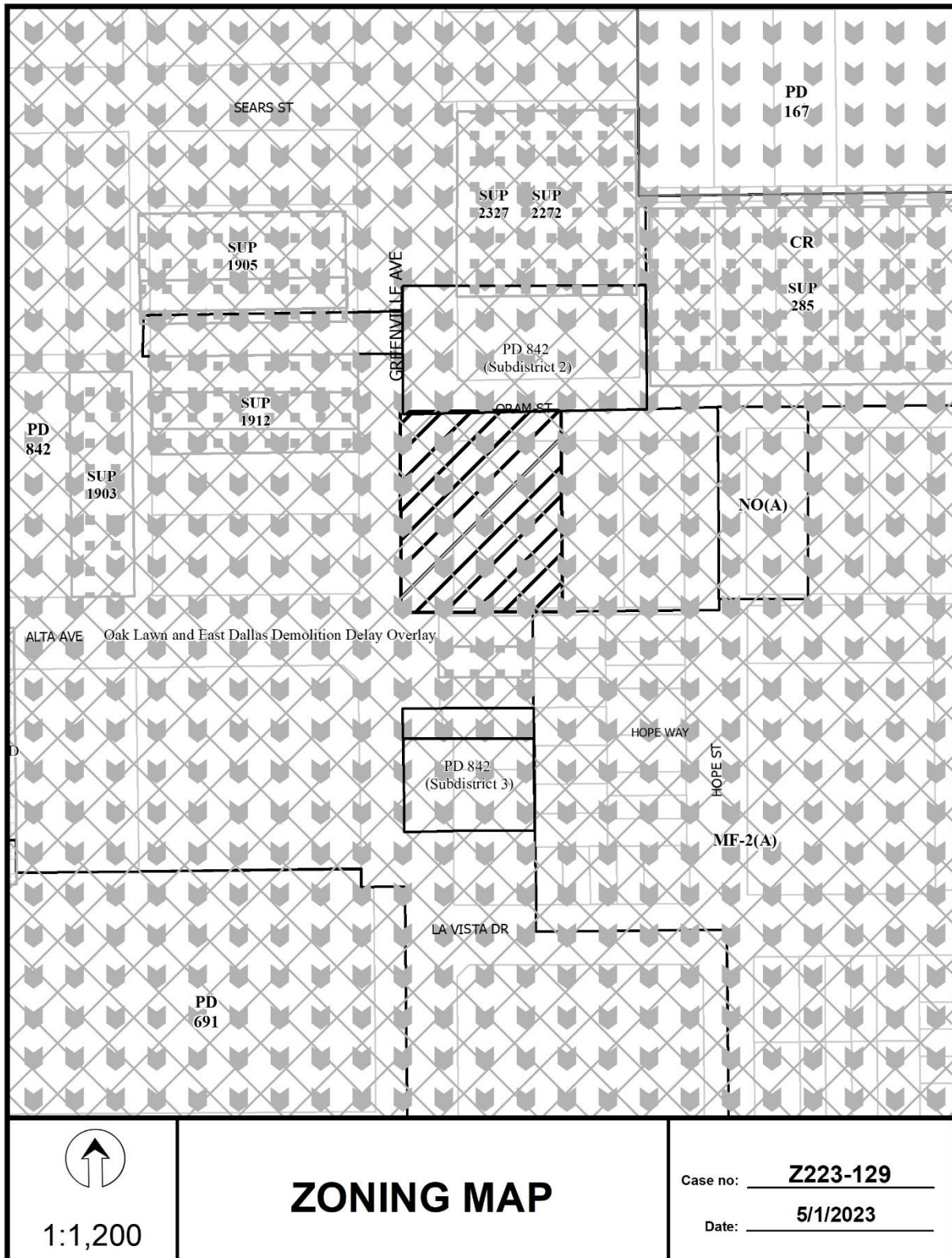
| SITE DATA SUMMARY |                                   |
|-------------------|-----------------------------------|
| ZONING            | PD 842 SUBDISTRICT 2              |
| ADDRESS           | Modified Delta Overlay-1, Tract 3 |
| BASE ZONING       | 1920 & 1922 GREENVILLE AVE.       |
| LAND AREA         | 279 Acres                         |
| SUP FLOOR AREA SF | 3,820                             |
| SUP PATIO AREA SF | 840                               |
| TOTAL SUP AREA SF | 4,670                             |
| BLOCK             | 1907                              |
| LOTS              | Part Lots 29 & 30                 |
| HEIGHT            | 3-STORY                           |

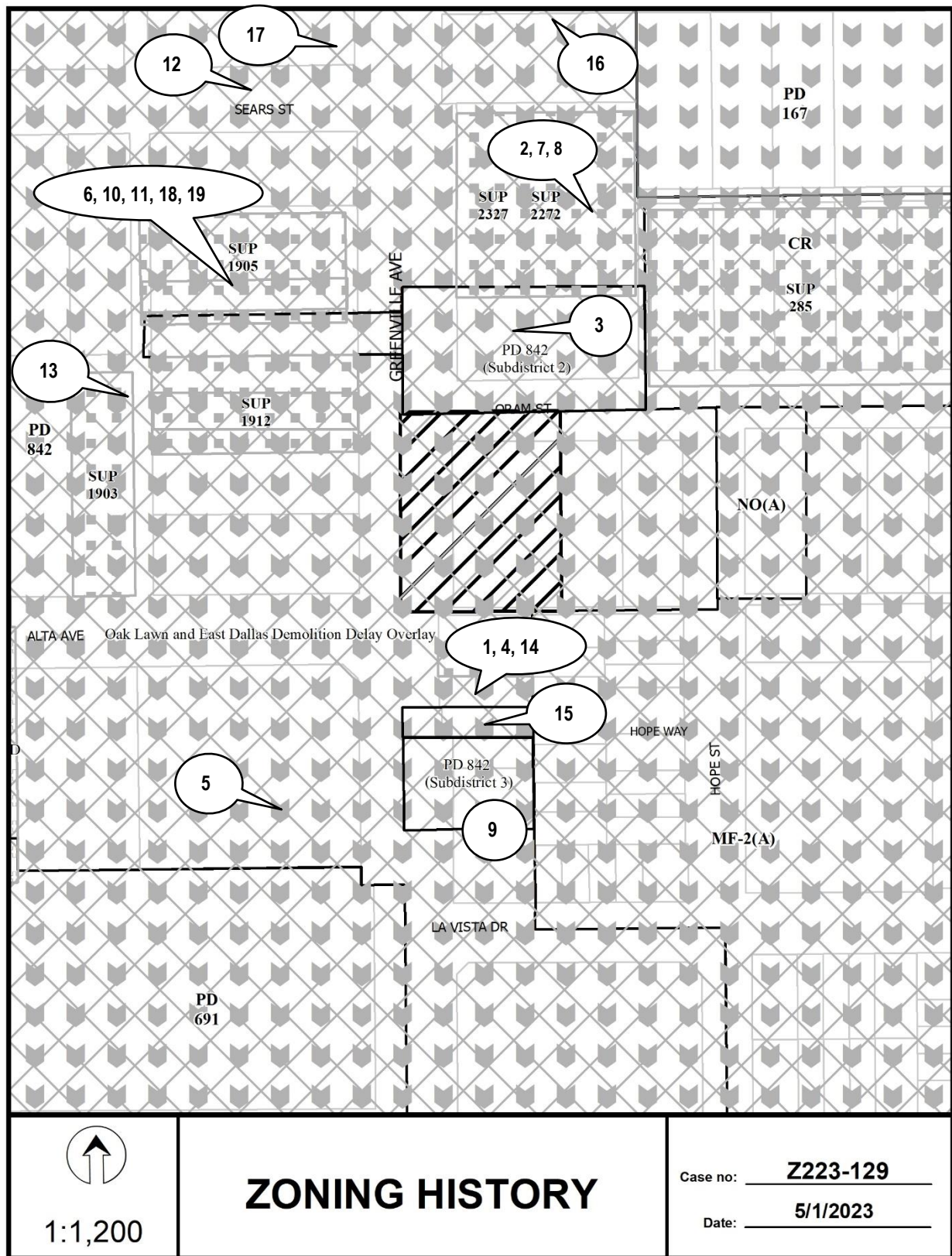
| Parking Analysis : 1520 - 1522 Greenville Ave. Block 1907 Lots 29 - 30 |              |            |        |               |                    |
|------------------------------------------------------------------------|--------------|------------|--------|---------------|--------------------|
| Address                                                                | Name         | Use        | SF     | Parking Ratio | Required Provide d |
| 1520 Greenville Ave.                                                   | Rye          | Restaurant | 2,530  | 100           | 25                 |
| 1522 Greenville Ave.                                                   | Apothecary   | Restaurant | 1,290  | 100           | 13                 |
| 1524 Greenville Ave.                                                   | The Merchant | Restaurant | 2,749  | 200           | 14                 |
| 1528 Greenville Ave.                                                   | Hedge        | Restaurant | 5,152  | 100           | 52                 |
| Total                                                                  |              |            | 11,721 |               | 105                |

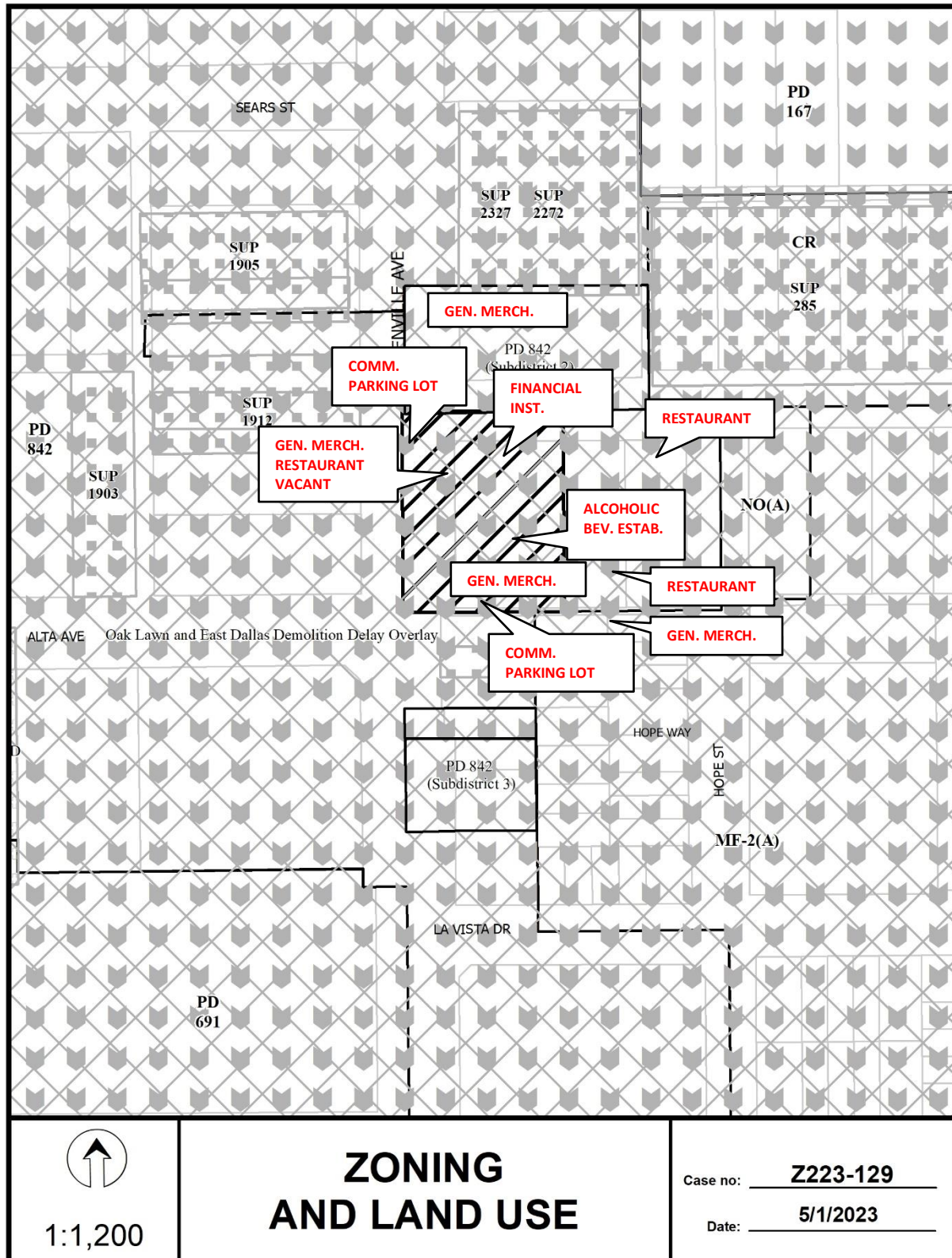
| Spaces Provided by Remote Parking Agreement |                               |              |
|---------------------------------------------|-------------------------------|--------------|
| Address                                     | Total parking Spaces Provided | Total Spaces |
| 5712 Oran                                   | 27                            | 27           |
| 5601 Alia                                   | 38                            | 38           |
| 1501 Greenville Ave.                        | 40                            | 40           |
| Total Spaces Provided                       | 105                           | 105          |

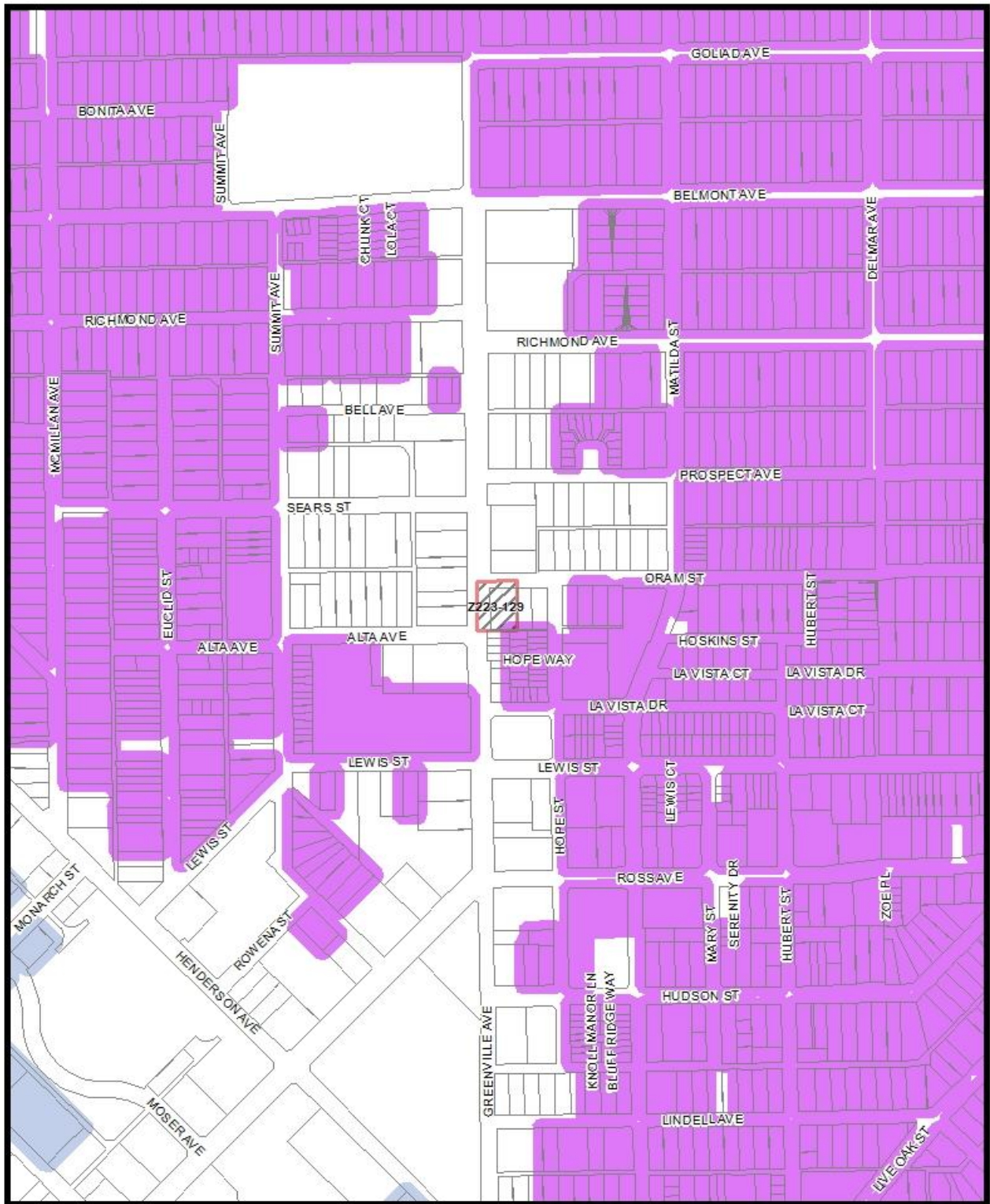
ZONING CASE #: Z223-129(JM)











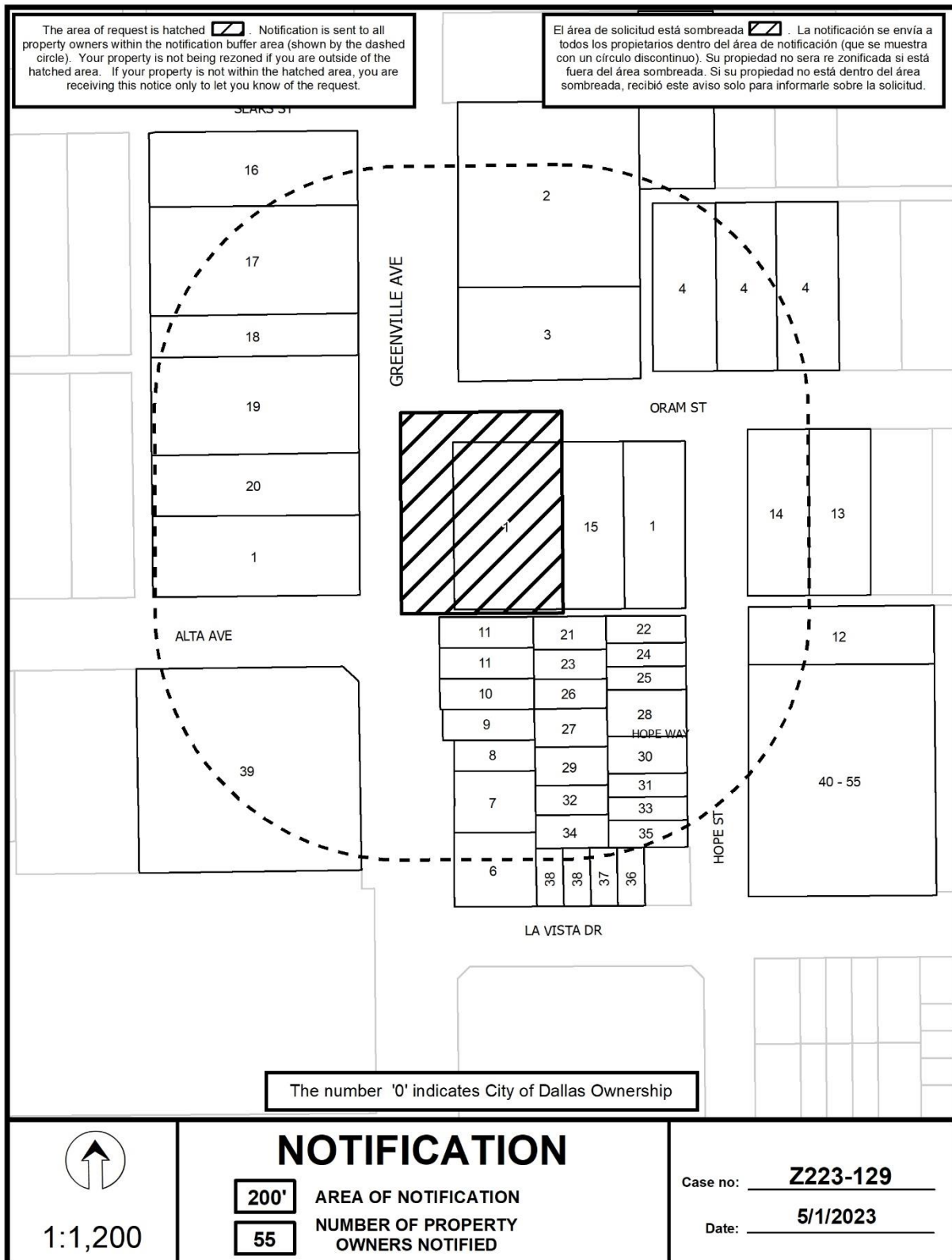
Market Value Analysis

|   |   |   |   |   |   |   |   |   |    |
|---|---|---|---|---|---|---|---|---|----|
| A | B | C | D | E | F | G | H | I | NA |
|---|---|---|---|---|---|---|---|---|----|



# Market Value Analysis

Printed Date: 5/1/2023



05/01/2023

***Notification List of Property Owners******Z223-129******55 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>             |
|-----------------------|-----------------------|---------------------------------|
| 1                     | 5712 ORAM ST          | LOWGREEN PS                     |
| 2                     | 2008 GREENVILLE AVE   | LAVO PROPERTIES LLC             |
| 3                     | 2000 GREENVILLE AVE   | 2000 GREENVILLE INVESTORS LLC   |
| 4                     | 5715 ORAM ST          | ONCOR ELECRCIC DELIVERY COMPANY |
| 5                     | 5716 PROSPECT AVE     | ANDRES FAMILY TRUST             |
| 6                     | 1900 GREENVILLE AVE   | EDWARDS CHARLES DUFF            |
| 7                     | 1904 GREENVILLE AVE   | RBT INTERESTS INC &             |
| 8                     | 1908 GREENVILLE AVE   | GREENVILLE PARKS LP             |
| 9                     | 1910 GREENVILLE AVE   | TEXAS URBAN LIVING REALTY LLC   |
| 10                    | 1912 GREENVILLE AVE   | LOWGREEN PS LTD                 |
| 11                    | 1914 GREENVILLE AVE   | LOWGREEN PS LTD                 |
| 12                    | 1926 HOPE ST          | 1916 HOPE LLC                   |
| 13                    | 5726 ORAM ST          | ORAM HOME LLC                   |
| 14                    | 5722 ORAM ST          | MCKINNEY FEARGAL &              |
| 15                    | 5710 ORAM ST          | SOURIS GEORGIA REVOCABLE TRUST  |
| 16                    | 1931 GREENVILLE AVE   | GREENWAY SEARS LP               |
| 17                    | 1919 GREENVILLE AVE   | 1919 27 GREENVILLE LTD          |
| 18                    | 1917 GREENVILLE AVE   | MEDICAPITAL INC                 |
| 19                    | 1911 GREENVILLE AVE   | INTERCITY INVESTMENT PROP       |
| 20                    | 1909 GREENVILLE AVE   | WORLDWIDE FOOD INC              |
| 21                    | 1919 HOPE WAY         | NGUYEN NGOC DIEP                |
| 22                    | 1922 HOPE WAY         | DICKEY ROBERT LEE III &         |
| 23                    | 1917 HOPE WAY         | BACHMAN CLAYTON K               |
| 24                    | 1920 HOPE WAY         | ISAACSON CHRISTOPHER M          |
| 25                    | 1918 HOPE WAY         | MCCOWAN ROBERT W                |
| 26                    | 1915 HOPE WAY         | ALARCON WALDO & YAZMIN R        |

05/01/2023

| <b>Label #</b> | <b>Address</b>      | <b>Owner</b>                        |
|----------------|---------------------|-------------------------------------|
| 27             | 1913 HOPE WAY       | HERNDON LINDSEY                     |
| 28             | 1916 HOPE WAY       | OTOOLE TIMOTHY                      |
| 29             | 1911 HOPE WAY       | NIEHUUS MICHAEL                     |
| 30             | 1912 HOPE WAY       | MTS TEXAS HOLDINGS LLC              |
| 31             | 1910 HOPE WAY       | REKER STEVEN &                      |
| 32             | 1909 HOPE WAY       | JOHNSON RONALD L                    |
| 33             | 1908 HOPE WAY       | GANDHI ANUPAMA K                    |
| 34             | 1907 HOPE WAY       | WEINER ERIC DAVID                   |
| 35             | 1906 HOPE WAY       | ABOUJAOUDE DORY                     |
| 36             | 5713 LA VISTA DR    | DALIDA CHAD                         |
| 37             | 5711 LA VISTA DR    | Taxpayer at                         |
| 38             | 5709 LA VISTA DR    | SHANE MARIO M & RACHELLE            |
| 39             | 1827 GREENVILLE AVE | LOWGREEN PS                         |
| 40             | 1910 HOPE ST        | MOJICA EDWARD                       |
| 41             | 1910 HOPE ST        | KEELING THOMAS                      |
| 42             | 1910 HOPE ST        | BUCKLEY KEVIN & MARGARET            |
| 43             | 1910 HOPE ST        | KUPERMAN YELENA                     |
| 44             | 1910 HOPE ST        | CROUCH EDIE D                       |
| 45             | 1910 HOPE ST        | BLECHER MARK WARREN                 |
| 46             | 1910 HOPE ST        | BEAHM CYNTHIA DIANE                 |
| 47             | 1910 HOPE ST        | GALLEGOS LISA RASHELLE              |
| 48             | 1910 HOPE ST        | UTKOV HALLIE T 2021 REVOCABLE TRUST |
| 49             | 1910 HOPE ST        | KOBAYASHI AARON S &                 |
| 50             | 1910 HOPE ST        | MERZ RYAN E                         |
| 51             | 1910 HOPE ST        | LOTT LESLIE                         |
| 52             | 1910 HOPE ST        | ANKERSEN KRISTEN A                  |
| 53             | 1910 HOPE ST        | WEBER BROS HOMES TX LLC             |
| 54             | 1910 HOPE ST        | ELLINGTON AMBER JEAN                |
| 55             | 1910 HOPE ST        | BLECHER PAUL                        |