
FILE NUMBER: Z223-289(LG) **DATE FILED:** May 30, 2023
LOCATION: Southeast corner of Greenville Avenue and Oram Street
COUNCIL DISTRICT: 14
SIZE OF REQUEST: 12,153 square feet **CENSUS TRACT:** 48113001101

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: Lowgreen PS, LTD

APPLICANT: NB Concepts, LLC

REQUEST: An application for a Specific Use Permit 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

SUMMARY: The purpose of the request is to operate an existing restaurant during late hours. [Hide Restaurant].

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- On January 26, 2011, City Council approved Planned Development No. 842.
- 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.
- Hide Restaurant received a Certificate of Occupancy on October 8, 2021, and occupies the suite on the corner of Greenville Avenue and Oram street with a floor area of 5,152 square feet. However, applicant is only requesting the SUP for the first floor of the restaurant which is 3,605 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 restaurant may operate by right in the district and only needs the SUP for operations past 12 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 15 zoning cases in the area in the last five years.

1. **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.
2. **Z190-240:** On August 26, 2020, City Council approved the termination of Specific Use Permit No. 2346 for a late 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 to be given to evaluating whether the Specific Use Permit is compatible with adjacent property and consistent with the character of the neighborhood, on the southwest corner of Greenville Avenue and Alta Avenue.
3. **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.

4. **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.
5. **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.
6. **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.
7. **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.
8. **Z201-101:** On January 21, 2021, the City Council recommended denial with prejudice of an application for a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District, southeast corner of Greenville Avenue and Prospect Avenue.
9. **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.
10. **Z223-129:** On July 6, 2023, the City Plan Commission recommended denial with prejudice of 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 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay, located on the southeast corner of Greenville Avenue and Oram Street. [Subject Site]

11. **Z223-135:** On July 6, 2023, the City Plan Commission recommended denial without prejudice of 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 Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the north line of Alta Avenue, west of Greenville Avenue.

12. **Z223-123 & Z223-124:** On May 18, 2023, the City Planning Commission recommended denial with prejudice of an application for (1) an amendment to add “extended hours establishment” as a permitted use by SUP only in Subdistrict 1 within Planned Development District No. 842, and (2) a Specific Use Permit for an extended hours establishment, on property located on the west side of Greenville Avenue, between Sears Street and Alta Avenue.

13. **Z223-105:** On December 13, 2023, the City Council approved an application for Specific Use Permit No. 2506 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on east line of Greenville Avenue, between Prospect Avenue and Oram Street, for a two-year period.

14. **Z223-234:** On March 27, 2024, the City Council approved 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, in an area bounded by Greenville Avenue, La Vista Drive, Hope Street, and Lewis Street, for a two-year period.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Greenville Avenue	Local Street	--
Oram Street	Local Street	--

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 complies with the following land use goals and policies of the Comprehensive 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 2.5 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 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTH COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Policy 5.2.2 Promote the character of the city's significant district, linkage, and area.

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:

	Zoning	Land Use
Site	PD 842	Restaurant without drive-in services, gen. merchandise or food store < 3500 sq. ft.
North	Subdistrict 2 within PD 842	Gen. merchandise or food store < 3500 sq. ft.
East	PD 842	Commercial parking lot
South	PD 842	Restaurant without drive-in services, alcoholic beverage establishment, gen. merchandise or food store < 3500 sq. ft.
West	PD 842	Gen. merchandise or food store < 3500 sq. ft., restaurant without drive-in services, alcoholic beverage establishment, commercial parking lot

An MD-1 Modified Delta Overlay applies to the subject property and all surrounding properties.

Land Use Compatibility:

The area of request is approximately 12,153 square feet and is currently developed with a two-story building with four suites. The properties surrounding the subject site include general merchandise use to the north, south, and west. There are restaurants and alcoholic beverage establishments to the south and west. Commercial parking lot uses are to the east and west of the property.

Hide Restaurant received a Certificate of Occupancy on October 8, 2021 and occupies the two-story suite with a floor area of 5,152 square feet. The applicant is requesting a Specific Use Permit for a late-hours establishment limited to the first floor interior space of the restaurant. The SUP square footage is 3,600 square feet as shown on the site plan.

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. for the first floor interior space only, 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 SUP request; however, not the time frame of two years with eligibility for automatic renewals for two-year period as requested by the applicant. Staff recommends a timeframe of two years as it will allow staff to evaluate if the site is compliant within a short period of time.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development code, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant without a drive-through service is one space per 100 square feet. Additionally, the off-street parking requirement for retail use is one space per 200 square feet. 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 5,152 square feet and two other suites with 3,820 square feet. The parking spaces required for restaurant use are 51 spaces. The last suite occupies 2,749 square feet of retail use, which requires 52 parking spaces. In all, 103 parking spaces are required. According to the site plan, 105 parking spaces are being provided by a remote parking agreement with 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 currently not within an MVA area. To the southeast is a “C” MVA area.

Z223-289(LG)

List of Officers

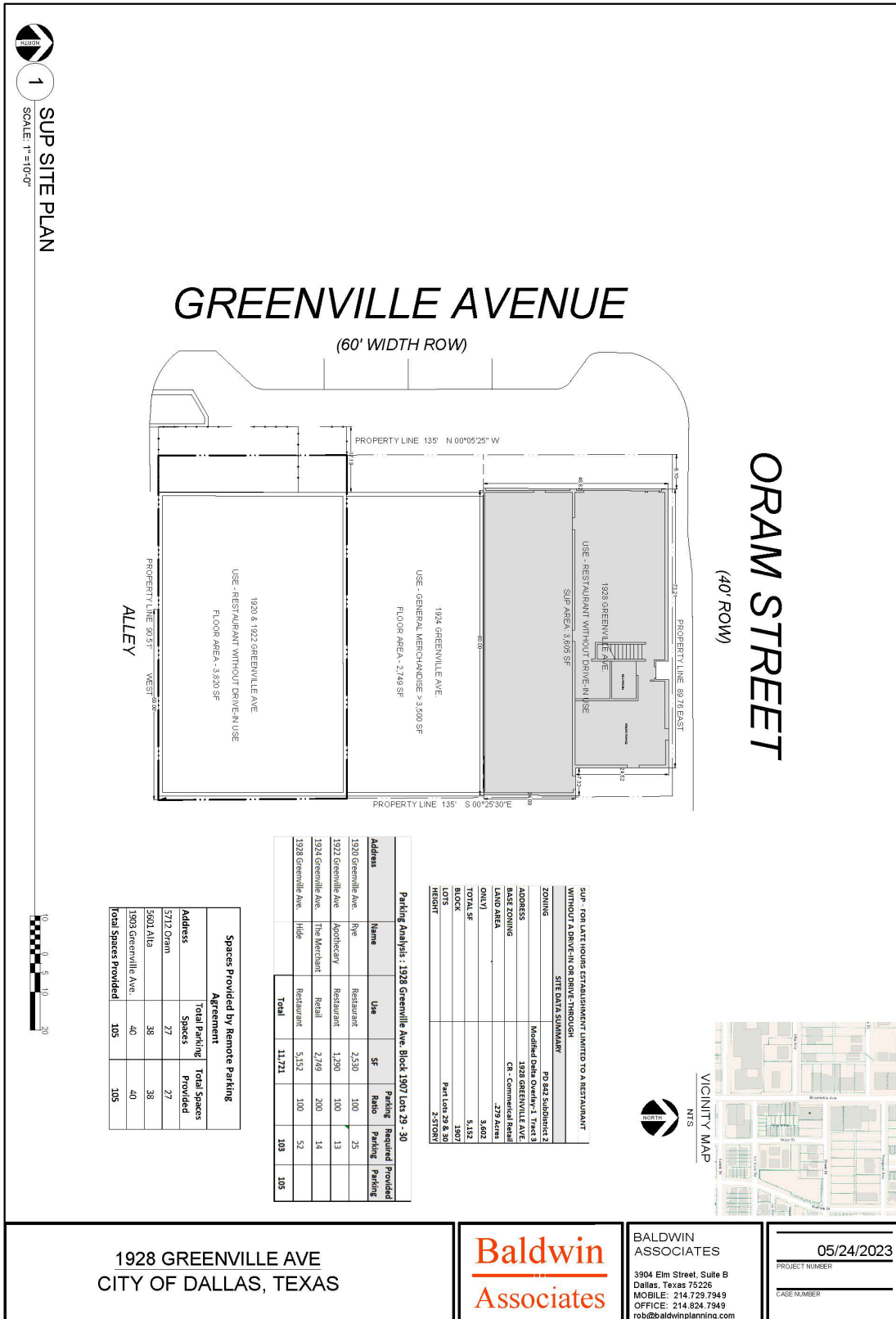
Lowgreen PS, LTD – Andres Properties

Roger Andres – Member
Marc Andres – Member
Shula Netzer – General Partner

NB Concepts, LLC

Nicholas Backlund, Member
Michael Backlund, Member

PROPOSED SITE PLAN



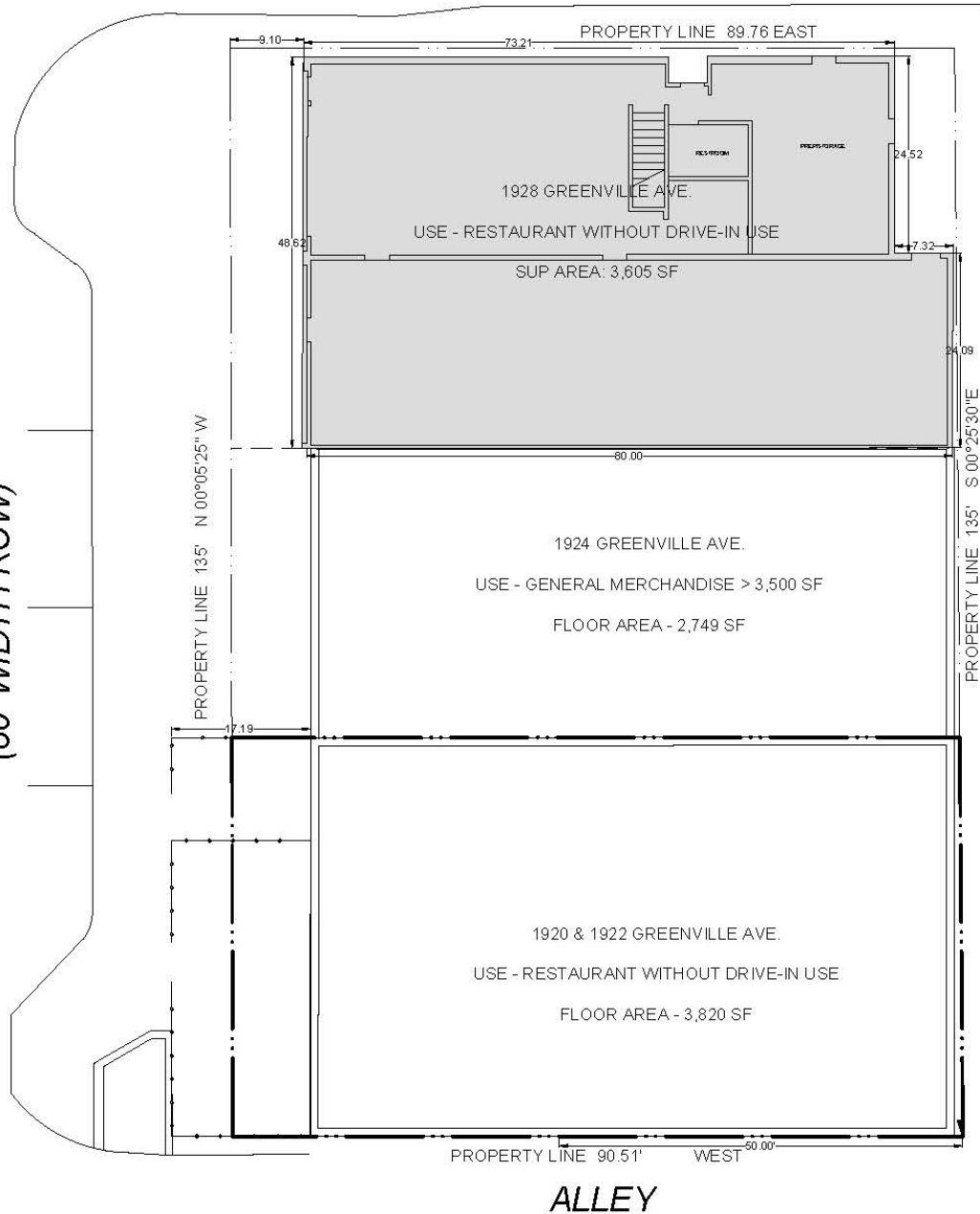
**PROPOSED SITE PLAN
(Enlarged)**

ORAM STREET

(40' ROW)

GREENVILLE AVENUE

(60' WIDTH ROW)



PROPOSED CONDITIONS

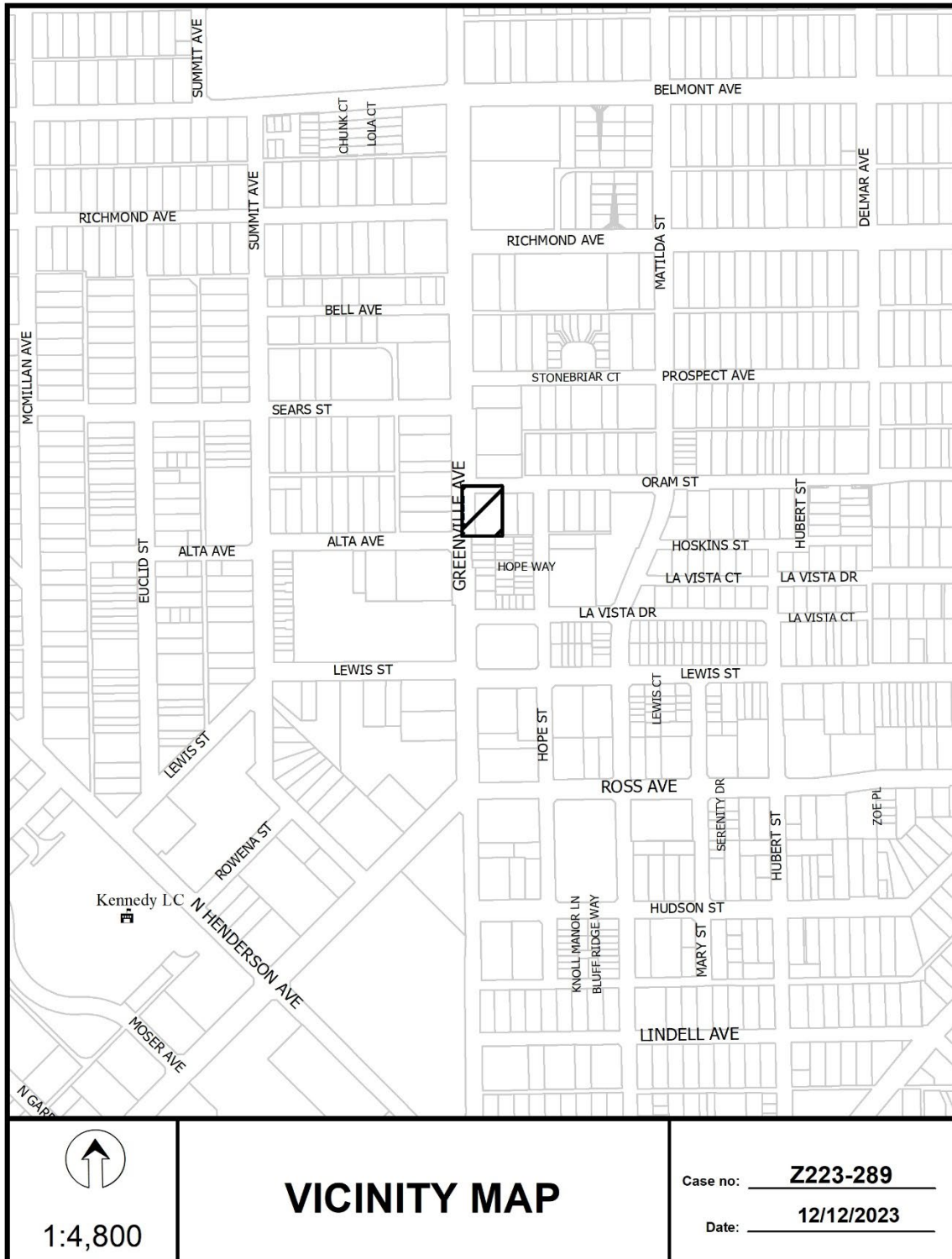
1. USE: The only use authorized by this specific use permit is late hours establishment limited to a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

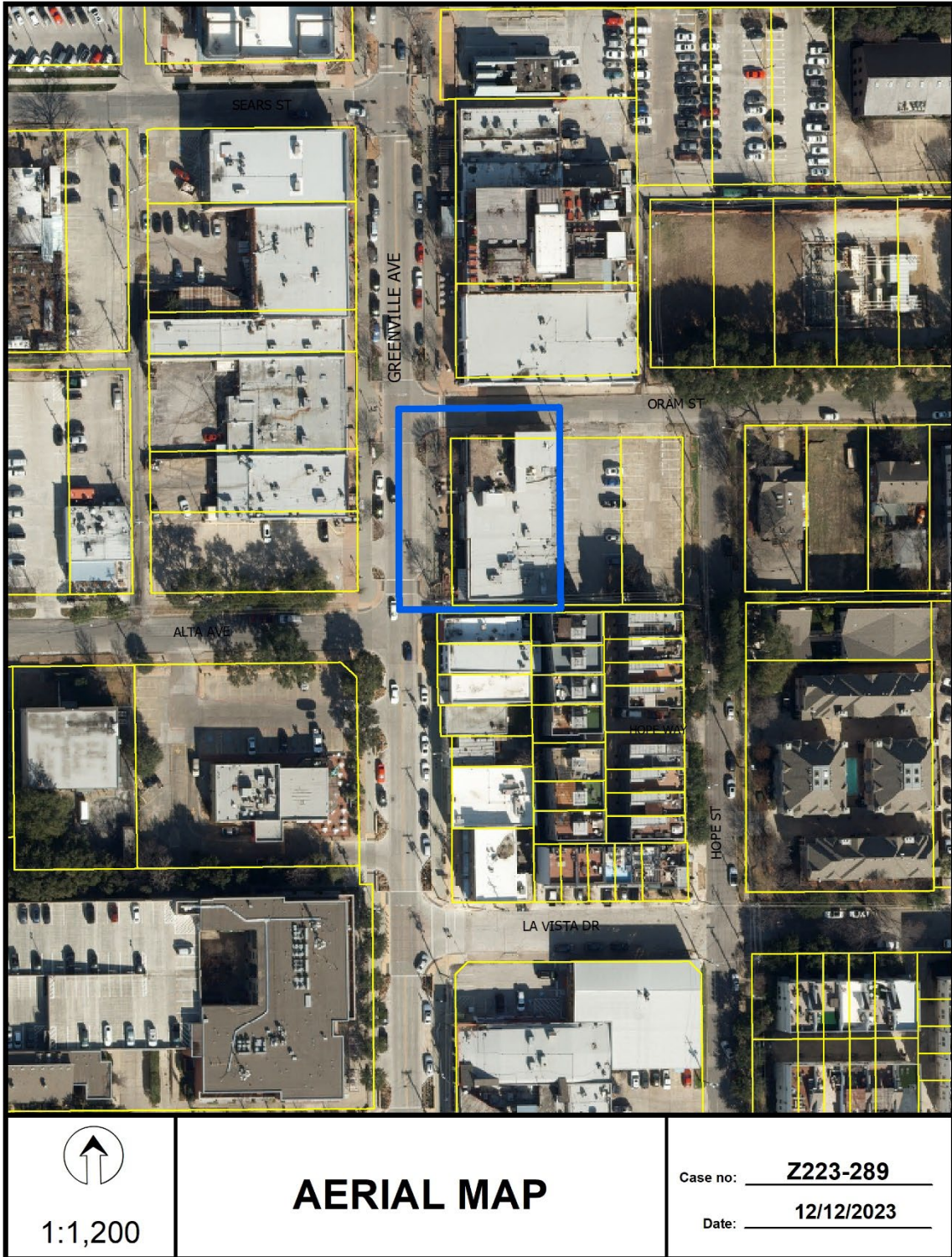
Staff Recommendation:

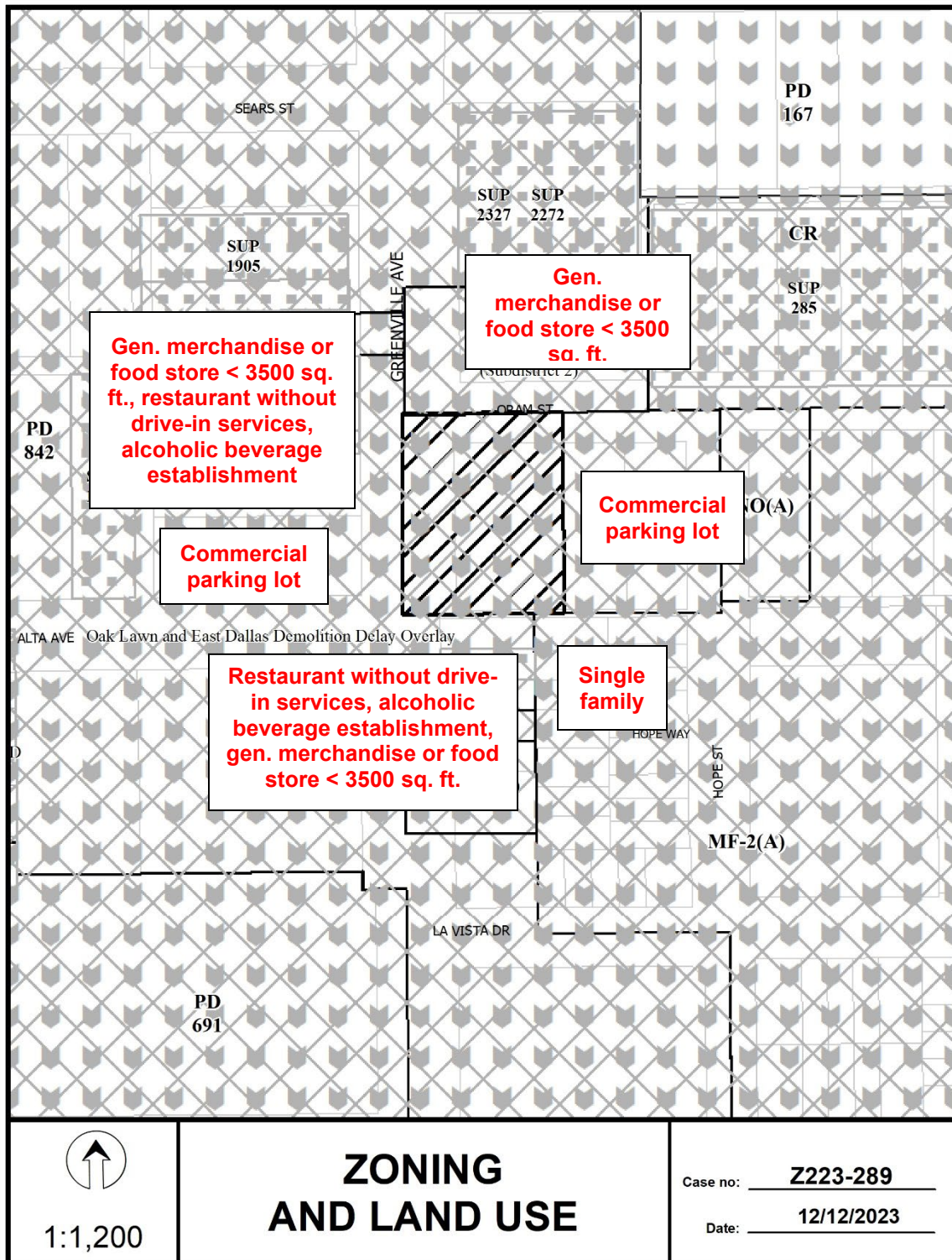
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance).

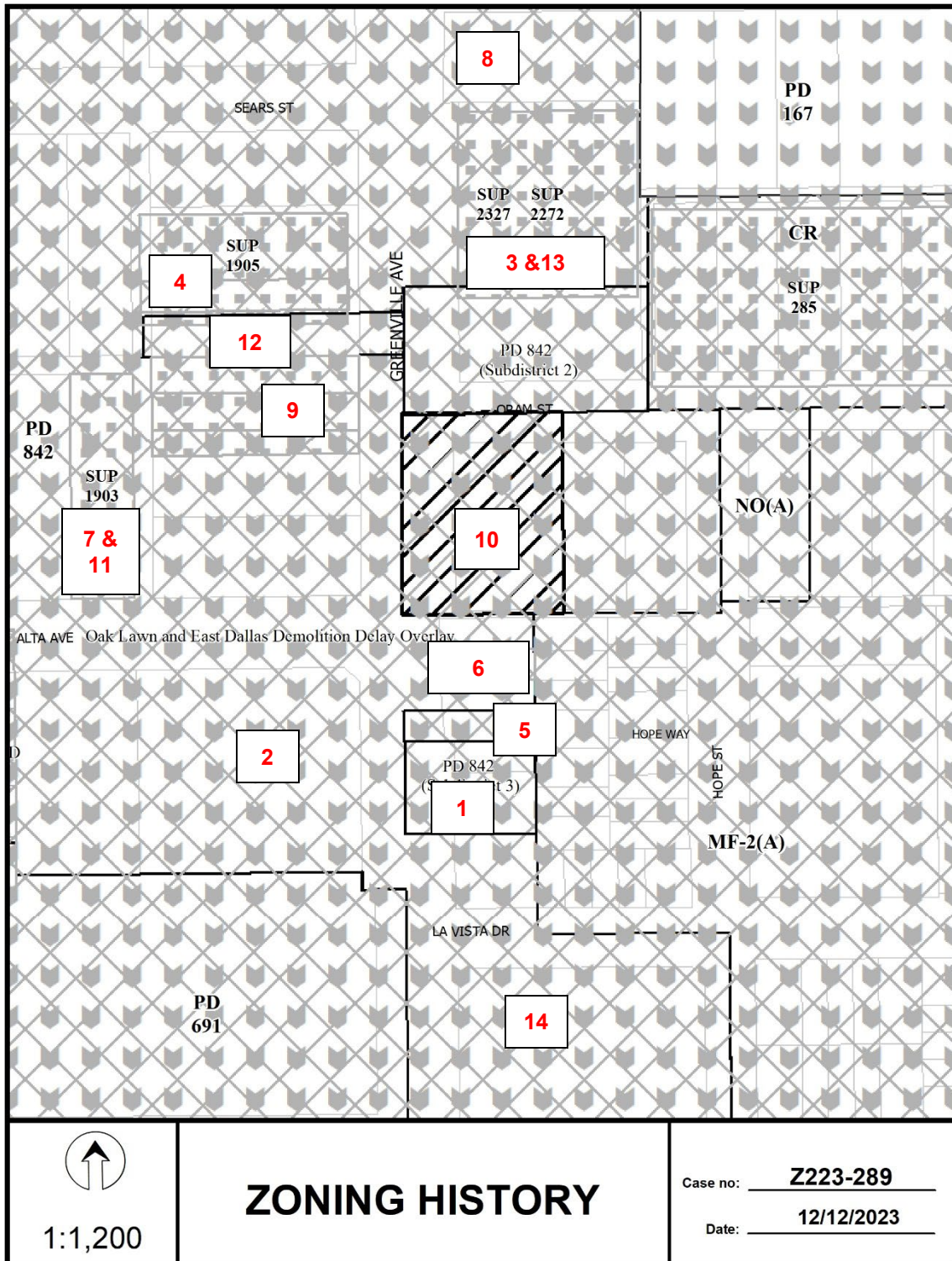
Applicant's Request:

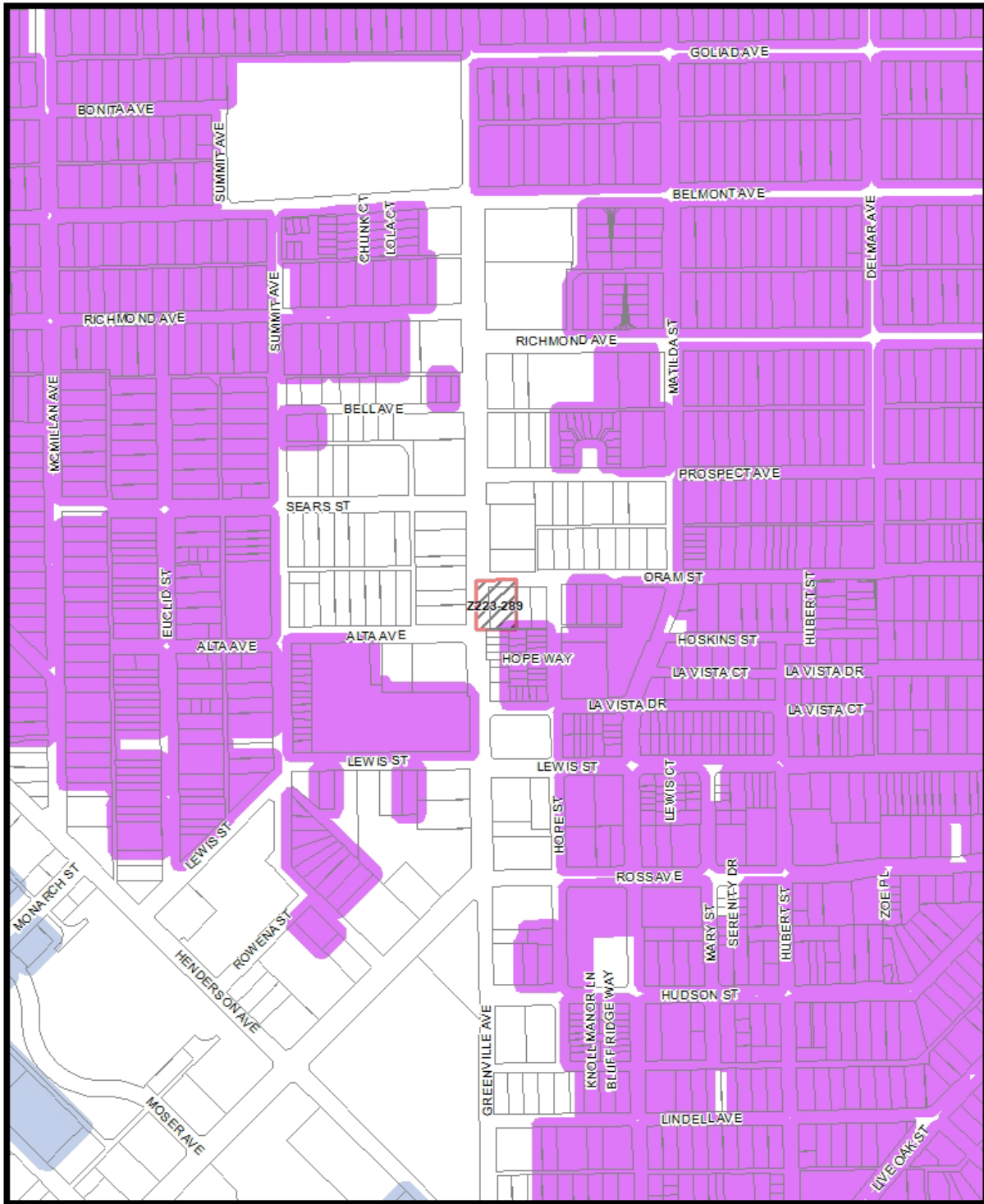
3. TIME LIMIT: This specific use permit expires on (two years from the passage of the ordinance) but is eligible for renewal for additional two-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a 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.)
4. FLOOR AREA: The maximum floor area is 3,602-square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The late hours establishment limited to a restaurant without drive-in or drive-through service may not operate between 2:00 a.m. and 6:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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.









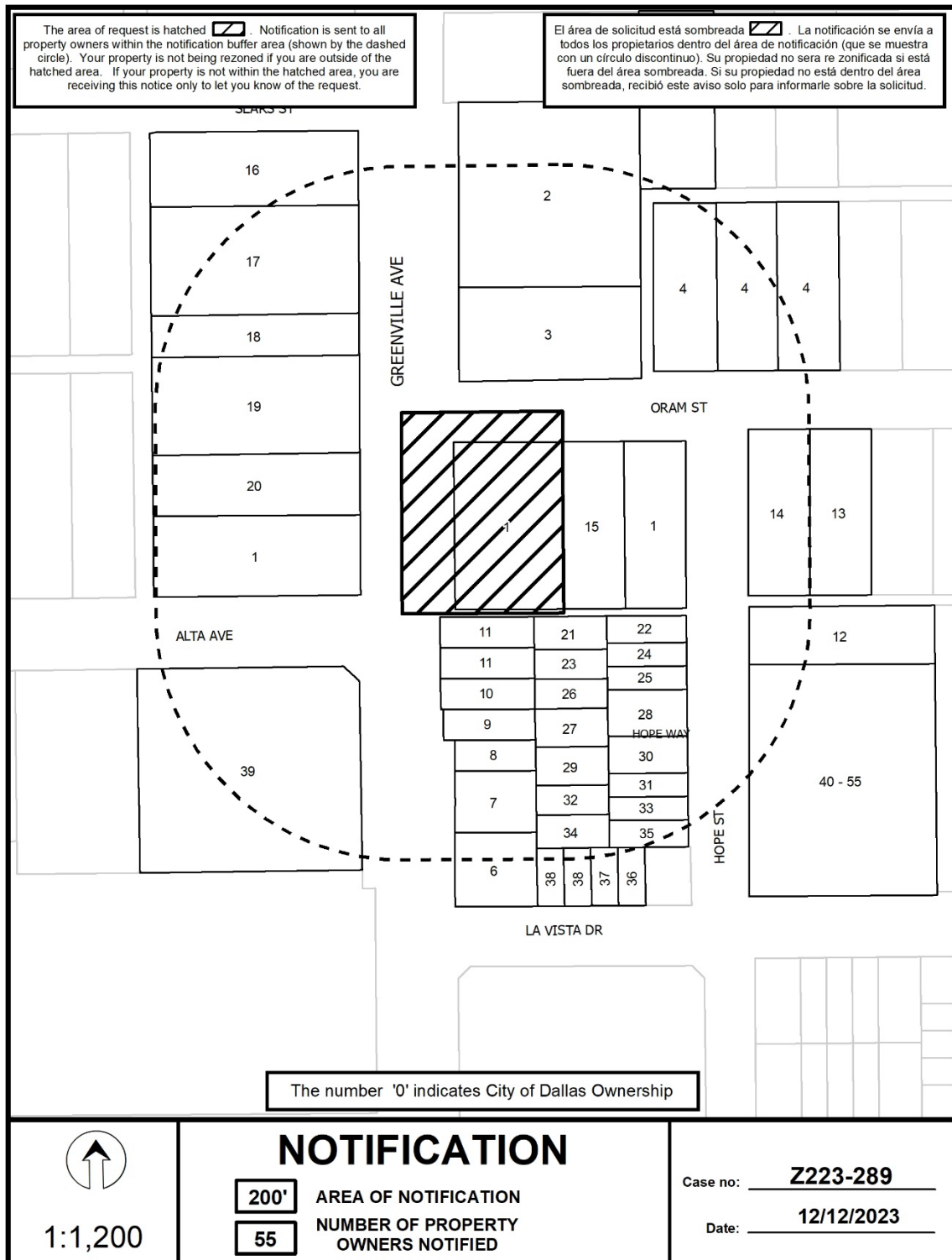


Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 12/12/2023



12/11/2023

Notification List of Property Owners***Z223-289******55 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
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	MK MANAGEMENT TRUST THE
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	GAIL JACK DILLON
24	1920 HOPE WAY	ISAACSON CHRISTOPHER M
25	1918 HOPE WAY	MCCOWAN ROBERT W
26	1915 HOPE WAY	ALARCON WALDO & YAZMIN R

12/11/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
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	OHP HOLDINGS LLC
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	FOUR BUCKETS LLC
55	1910 HOPE ST	BLECHER PAUL