

FILE NUMBER: Z223-181(AU) **DATE FILED:** January 17, 2023
LOCATION: South line of Lake June Road, east of Rose Garden Avenue
COUNCIL DISTRICT: 5
SIZE OF REQUEST: Approx. 0.43 Acres **CENSUS TRACT:** 48113009301

OWNER/APPLICANT: Hector Lopez – Sole Owner

REPRESENTATIVE: Andrew Ruegg, Masterplan

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with restaurant without a drive-in or drive-through service use, on property within Subarea 2 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the sale of alcoholic beverages within a restaurant [El Pulpo].

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

PD No. 366

<https://dallascityhall.com/departments/city-attorney/Pages/articles-data.aspx>

D-1 Liquor Control Overlay

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-83445

BACKGROUND INFORMATION

- The request site is currently developed with a multiunit building with approximately 5,000 square feet in area. One of the suites is occupied by a restaurant without a drive-in or drive-through service.
- On February 26, 1992, City Council approved the creation of Planned Development District No. 366, the Buckner Boulevard Special Purpose District. PD No. 366 contains approximately 407.94 acres and is divided into nine subareas. The area of request is located within Subarea 2 which generally allows a mix of commercial and retail uses. The restaurant without a drive-in or drive-through service is allowed subject to residential adjacency review.
- The area of request is located within the D-1 Liquor Control Overlay. In a “D-1” liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.
- The applicant is seeking a Special Use Permit to allow the sale of alcoholic beverages within the existing restaurant [El Pulpo]. The restaurant is operating in an approximately 1,500-square-foot unit facing Lake June Road. The other unit facing the street is being operated as a personal service use and the unit in the back as storage.
- According to Building Inspection’s records, the last Certificate of Occupancy was issued in December 2014 for El Pulpo restaurant.

Zoning History

There have been no zoning change requests in the surrounding area in the past five years.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW Bike Plan
Lake June Road	Principal Arterial	100' Bike Plan

Transportation

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

STAFF ANALYSIS

Surrounding Land Uses

	Zoning	Land Use
Site	PD No. 366, Subarea 2 with D-1 Liquor Control Overlay	Mixed Use Building: Restaurant, Personal Service, Storage
North	PD No. 366, Subarea 2 with D-1 Liquor Control Overlay	Auto-Related Uses; Restaurants
East	PD No. 366, Subarea 2 with D-1 Liquor Control Overlay	Mixed Use Building: Personal Service
Southeast	CR Community Retail with D Liquor Control Overlay	Vacant Building
South	R-7.5(A)	Parking Lot, Single Family Homes
West	PD No. 366, Subarea 2 with D-1 Liquor Control Overlay	Mixed Use Building: Commercial Amusement (Inside), Office

Land Use Compatibility

The site is currently zoned Planned Development District No. 366, the Buckner Boulevard Special Purpose District. PD No. 366, within Subarea 2 which generally allows a mix of commercial and retail uses. The area of request is also located within the D-1 Liquor Control Overlay. In a “D-1” liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

The area of request is currently developed with a one-story multiunit building with approximately 5,000 square feet in area. The building contains three units: a 1,500-square-foot unit with a restaurant, an 1,100-square-foot unit with a personal service, and the remainder units with a storage use.

The applicant is seeking a Special Use Permit to allow the sale of alcoholic beverages within the existing restaurant [El Pulpo].

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.

In general, the applicant's request is consistent with the existing zoning, the surrounding uses, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. Staff recommends a timeframe of five-years, considering this being the SUP request to allow staff to assess the impact on the surrounding properties with the full renewal. The applicant is requesting automatic renewal periods with this request. The request subject to the attached conditions is consistent with the intent of the Dallas Development Code.

Parking

No changes to the site are proposed with this request. Off-street parking and loading requirements must comply with the Dallas Development Code as amended. A total of 15 off-street parking spaces are required for the restaurant without a drive-through use, per the required ratio of one space per 100 square feet of floor area. The site is developed with 36 parking spaces.

Landscaping

Landscaping will in accordance with the landscaping requirements in Article X, as amended. No changes are proposed with this request; therefore, no additional landscape requirements are triggered.

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. The area of request is not within an identifiable MVA Category; however, it is in adjacent to a "H" MVA Cluster to the south. An "I" MVA Cluster is located further north, across Lake June Road.

PROPOSED SUP CONDITIONS

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

Staff recommendation:

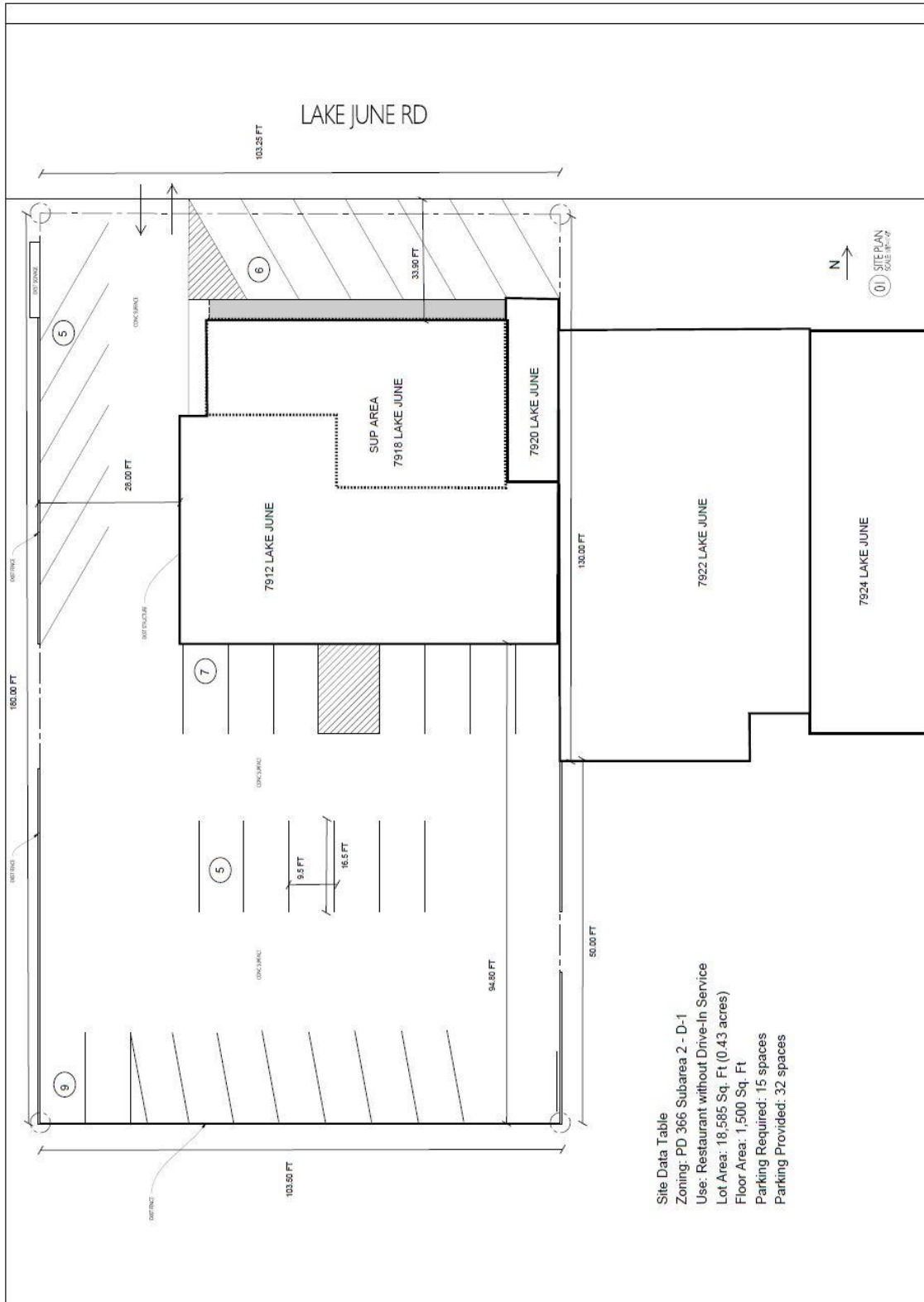
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|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five-year period from the passage of this ordinance). |
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Applicant's request:

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| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-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). |
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4. FLOOR AREA: Maximum floor area is 1,500 square feet in the location shown on the attached site plan.
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.

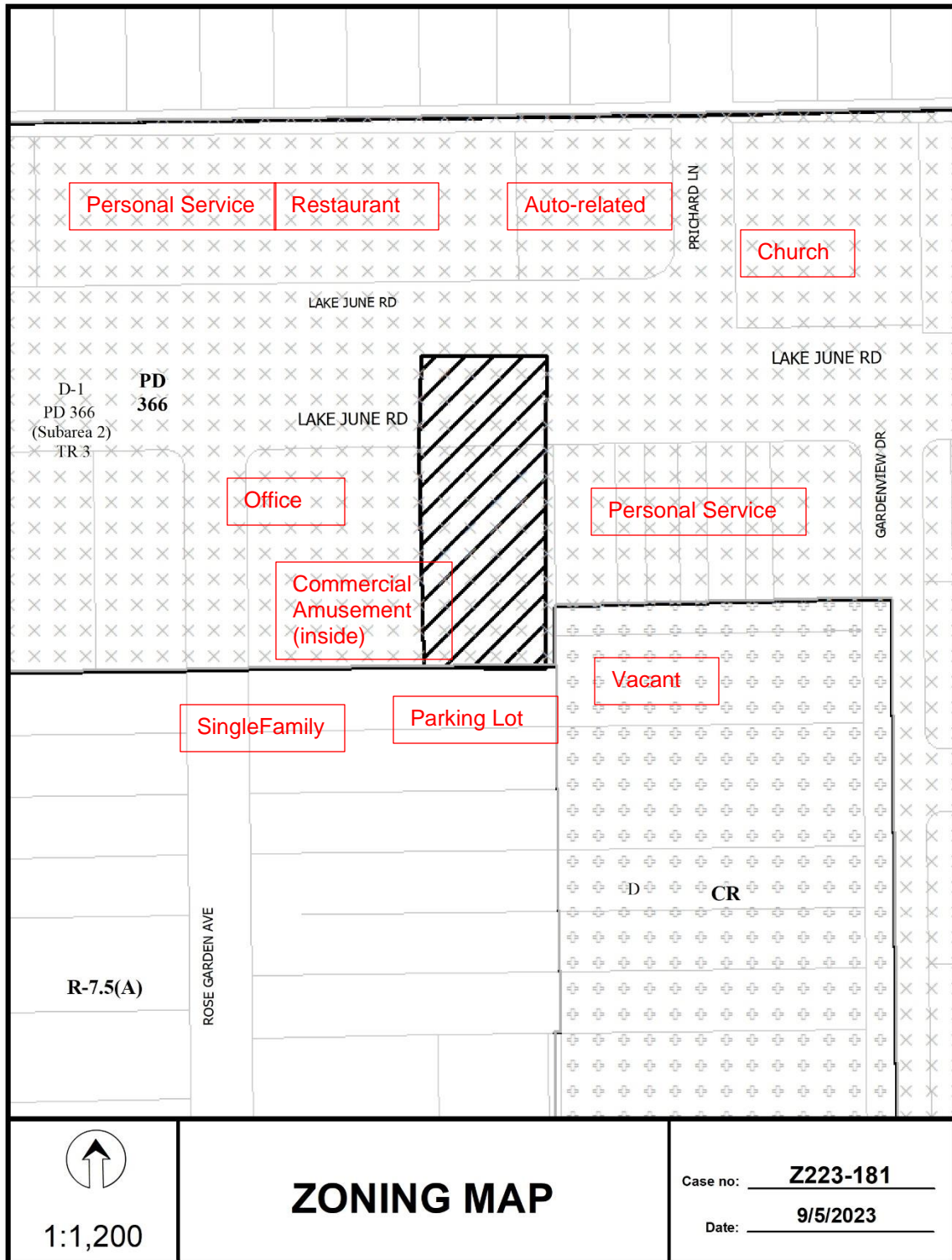
PROPOSED SUP SITE PLAN

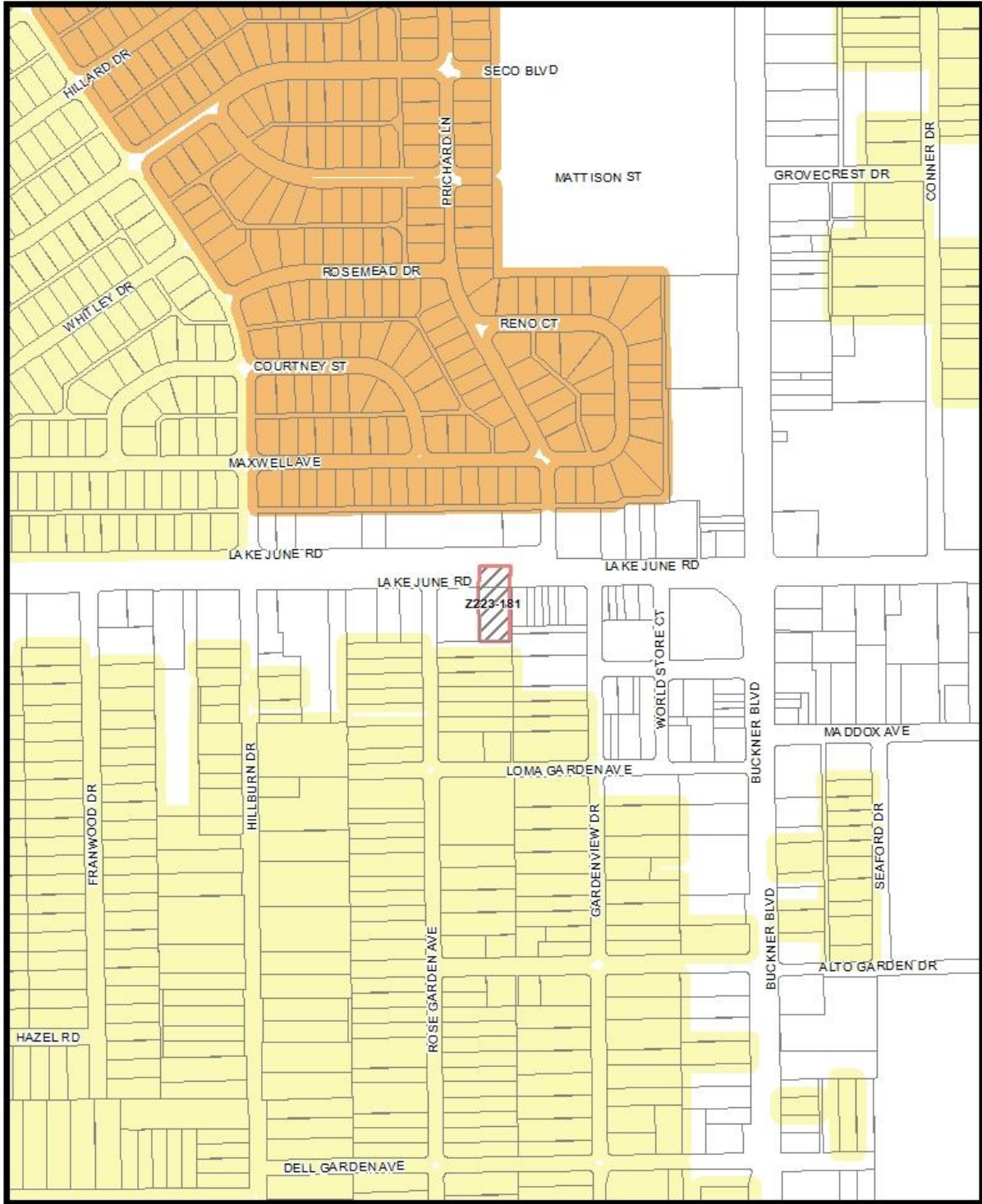


Site Data Table
 Zoning: PD 366 Subarea 2 - D-1
 Use: Restaurant without Drive-In Service
 Lot Area: 18,585 Sq. Ft (0.43 acres)
 Floor Area: 1,500 Sq. Ft
 Parking Required: 15 spaces
 Parking Provided: 32 spaces





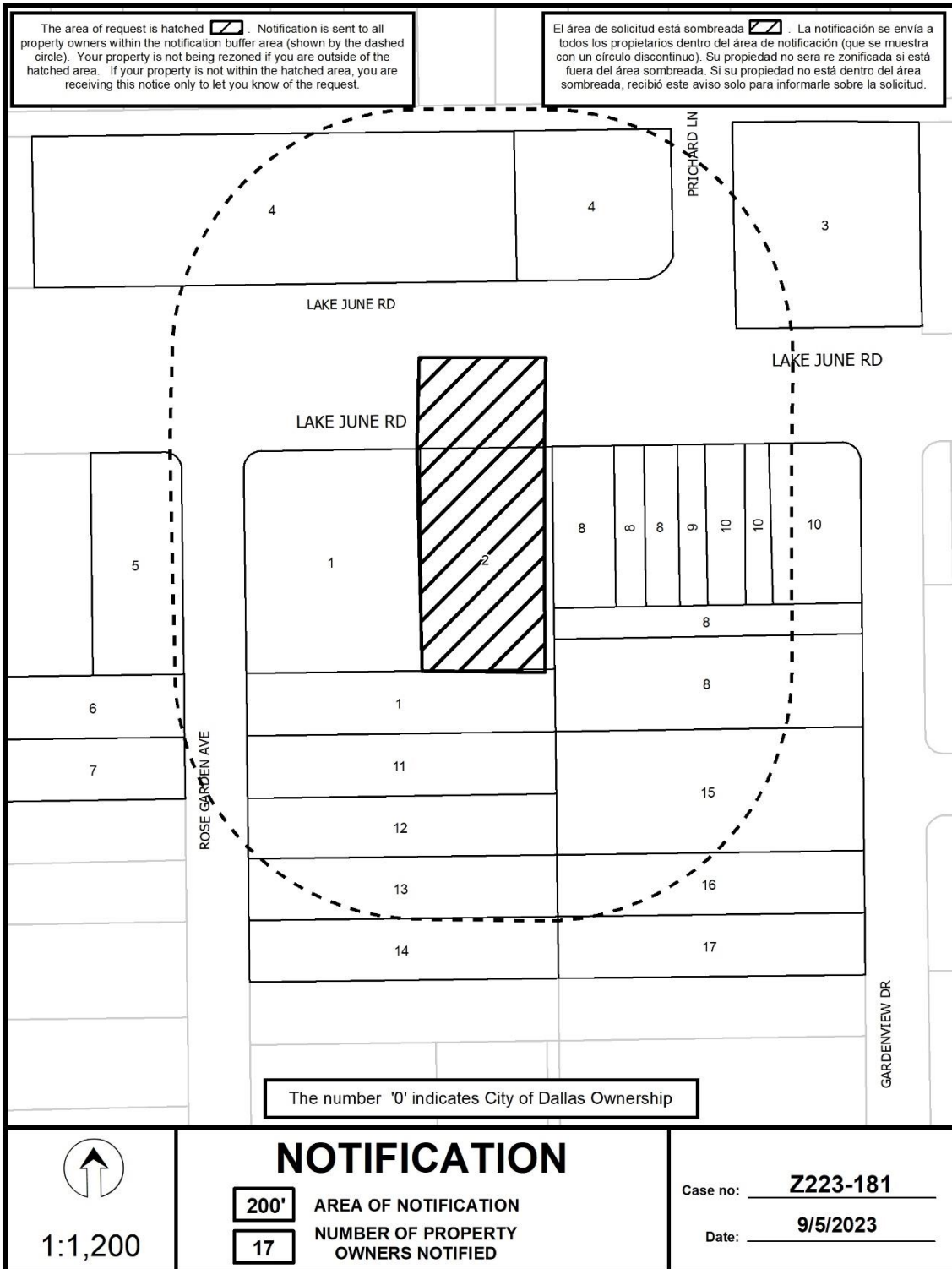




 1:4,800

Market Value Analysis

Printed Date: 9/5/2023



09/05/2023

Notification List of Property Owners

Z223-181

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7900 LAKE JUNE RD	ROSALES MARTIN & THELMA
2	7912 LAKE JUNE RD	LOPEZ HECTOR
3	8003 LAKE JUNE RD	CRISTO LA ROCA
4	7857 LAKE JUNE RD	MARTINEZ MILAGRO ET AL
5	7840 LAKE JUNE RD	GAYTAN LUIS &
6	1231 ROSE GARDEN AVE	MARTINEZ JOSE LUIS
7	1227 ROSE GARDEN AVE	DURAN GABRIEL &
8	7922 LAKE JUNE RD	ROSALES THELMA
9	7928 LAKE JUNE RD	GRACIANO ARTURO & ALMA
10	7930 LAKE JUNE RD	MARTINEZ RAUL & LETICIA
11	1226 ROSE GARDEN AVE	ROSALES MARTIN &
12	1220 ROSE GARDEN AVE	ANDERSON CARETHIA
13	1218 ROSE GARDEN AVE	PENA TOMAS P &
14	1212 ROSE GARDEN AVE	GARCIA ISIDORO &
15	1223 GARDENVIEW DR	ROSALES MARTIN & THELMA
16	1219 GARDENVIEW DR	MI HACIENDA PPTIES DEV
17	1215 GARDENVIEW DR	METOYER GLENN C &