

FILE NUMBER: Z190-283(CT) **DATE FILED:** June 10, 2020

LOCATION: Southeast line of Junius Street, between North Henderson Avenue and the terminus of Dumas Street

COUNCIL DISTRICT: 14 **MAPSCO:** 46 B

SIZE OF REQUEST: Approx. 3,499 sq. ft. **CENSUS TRACT:** 13.02

OWNER/APPLICANT: Dale Wootton

REQUEST: An application for **(1)** a D-1 Liquor Control Overlay; and **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 859 with an H/128 Historical Overlay for the Junius Heights Historic District and a D Liquor Control Overlay.

SUMMARY: The applicant proposes to sell acholic beverages in conjunction with an existing restaurant use. [Garden Café]

CPC RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay; and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for an 18-month period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay; and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is zoned Planned Development District No. 859 and the restaurant use is currently within a commercial retail development.
- The restaurant use occupies an approximately 1,776-square-foot suite within the multi-tenant building.
- The purpose of the request is to change the D Liquor Control Overlay to a D-1 Liquor Control Overlay and obtain a SUP for sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

Zoning History: There have been no zoning changes for the area of request in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Junius Street	Local	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction 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. The *forwardDallas! Comprehensive Plan* 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.

URBAN DESIGN**GOAL 5.3 ESTABLISH 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	Planned Development District No. 859 H/128 – Junius Heights Historic District	Restaurant
Northwest	Planned Development District No. 97 H/128 – Junius Heights Historic District	Public Park Single Family
Northeast	Planned Development District No. 397 H/128 – Junius Heights Historic District NS(A)	Single Family
Southwest	Planned Development District No. 859 Planned Development District No. 97 H/11 – Munger Place Historic District	Retail/Personal Service Single Family
Southeast	Planned Development District No. 397 Planned Development District No. 97 H/128 – Junius Heights Historic District H/11 – Munger Place Historic District	Public Park Single Family

Land Use Compatibility:

The site is zoned Planned Development District No. 859 with a D Liquor Control Overlay and is currently developed with a restaurant use. The restaurant use is located inside of a suite within a small retail strip in the neighborhood. A city park is located to the north of the site, single family homes to the northeast, northwest, southeast, and southwest of the site. Planned Development District No. 859 allows for mainly institutional and community service, office uses, recreation uses, and a limited amount of retail uses.

The property located to the northwest and southwest of the area of request, across Junius Street is zoned Planned Development District No. 97 and are mainly residential in nature. Properties within Planned Development District No. 397 are north and east of the subject site and includes single family homes.

On November 5, 2020, the applicant offered to volunteer deed restrictions on the property to limit the square footage of the restaurant to 1,176-square-feet, maximum occupancy of 100, outdoor patio maximum of 650-square-feet, shielded lighting and maximum lighting height of 12 feet, prohibit outdoor game courts, 51 percent of sales must be from food sales, and a parking attendant for more than 60 guests. After discussion with the

staff, several items in the proposed deed restrictions could not be public deed restrictions. The applicant could enter into private deed restrictions with the neighborhood, but the City would not enforce private deed restrictions. The applicant withdrew their offer of public deed restrictions.

The "D" Overlay District is a Liquor Control Overlay District that prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises

The purpose of requesting the change from a D Liquor Control Overlay to a D-1 Liquor Control Overlay, is to allow for the applicant to obtain a Specific Use Permit for the sale of alcoholic beverages for on-premise consumption in conjunction with the proposed restaurant.

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 and with the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. Staff and City Plan Commission has recommended a short two-year time period to access the use in the area and reconsider the Specific Use Permit for the site.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PD No. 859	15'	20' adjacent to residential OTHER: No Min.	0.5	35' 2 stories	40%	Visual Intrusion	Retail & personal service, office

Parking:

Off-street parking and loading requirements must comply with the Dallas Development Code, as amended.

A 1,776-square-foot restaurant without drive-through is located within a suite in a multi-tenant building. The restaurant will be required to provide 18 parking spaces calculated at a ratio of 1 space for every 100 square feet [$1,776/100 = 18$ required spaces]. The parking lot abutting the area of request to the northeast provides parking for the retail strip that houses the restaurant use. Parking has been provided for the site and the off-street parking requirements have been met.

Landscaping:

For the proposed development, compliance with Article X will be 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 to orange, representing the weakest markets. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to a “G” MVA Cluster to the northwest, west, and southwest of the subject site and an “F” MVA Cluster to the southeast.

**CPC ACTION
NOVEMBER 5, 2020**

Motion: It considering an application for 1) a D-1 Liquor Control Overlay; and 2) a Specific Use Permit for the sale of acholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 859 with an H/128 Historical Overlay for the Junius Heights Historic District and a D Liquor Control Overlay, on the southeast line of Junius Street, between North Henderson Avenue and the terminus of Dumas Street, it was move to **hold** this item under advisement until November 19, 2020.

Maker: Garcia
Second: MacGregor
Result: Carried: 13 to 0

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

Against: 0
Absent: 1 - Blair
Vacancy: 0
Conflict: 1 - Hampton**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 20
Replies: For: 11 Against: 13

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Dale Wooten, 5306 Junius St., Dallas, TX, 75214
Bill Cunningham, 715 Lowell St., Dallas, TX, 75214
Barnett Jones, 5307 Worth St., Dallas, TX, 75214
Brandon Colombo, 6309 Junius St., Dallas, TX, 75214
Leslie Nepveux, 718 Dumas St., Dallas, TX, 75214
Cindy Lewis, 5333 Tremont St., Dallas, TX, 75214
Matt Wood, 719 Skillman St., Dallas, TX, 75214
Sandy Brown, 706 Dumas St., Dallas, TX, 75214
Allison Kramer, 5319 Worth St., Dallas, TX, 75214
Jared Stead, 722 Dumas St., Dallas, TX, 75214
Against: Eric Graham, 5326 Junius St., Dallas, TX, 75214
David Shaw, 3400 Standford Ave., Dallas, TX, 75225

**CPC ACTION
NOVEMBER 19, 2020**

Motion: It was moved to recommend 1) **approval** of a D-1 Liquor Control Overlay; and 2) **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a 18-month period, subject to site plan and conditions on property zoned Planned Development District No. 859 with an H/128 Historical Overlay for the Junius Heights Historic District with a D Liquor Control Overlay, on the southeast line of Junius Street, between North Henderson Avenue and the terminus of Dumas Street.

Maker: Garcia
Second: Schwope
Result: Carried: 14 to 0

For: 14 - MacGregor, Stinson, Johnson, Shidid,
Carpenter, Jackson, Blair, Jung, Myers, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Hampton**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 20
Replies: For: 11 Against: 3

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Dale Wooten, 5306 Junius St., Dallas, TX, 75214
Mark Wooten, 612 N. Henderson St., Dallas, TX, 75214
Against: None

CPC 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 for on-premise consumption as part of the operation of a restaurant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

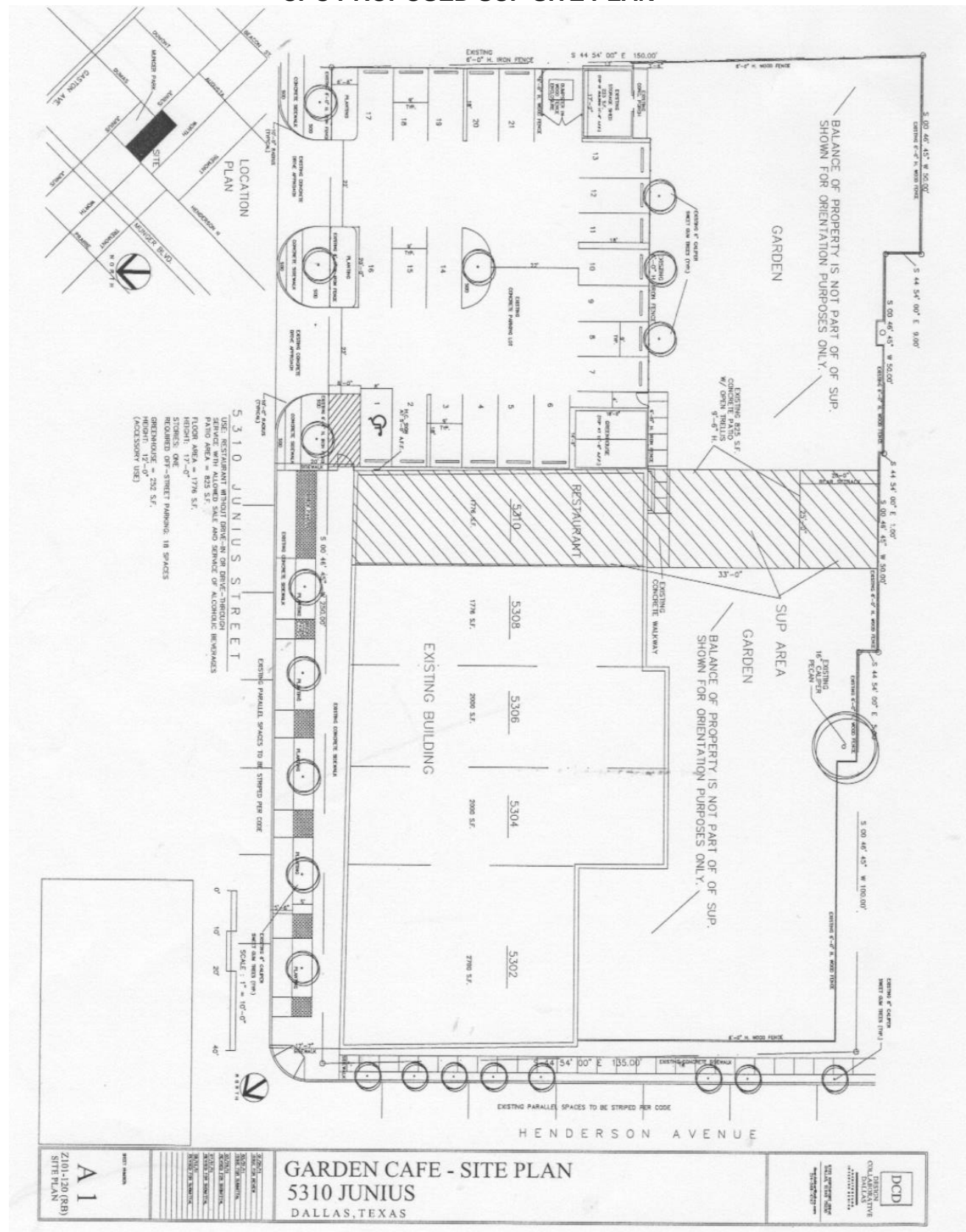
3. TIME LIMIT: This specific use permit automatically terminates on (18 months from the passage of the ordinance.)

Staff's Recommendation

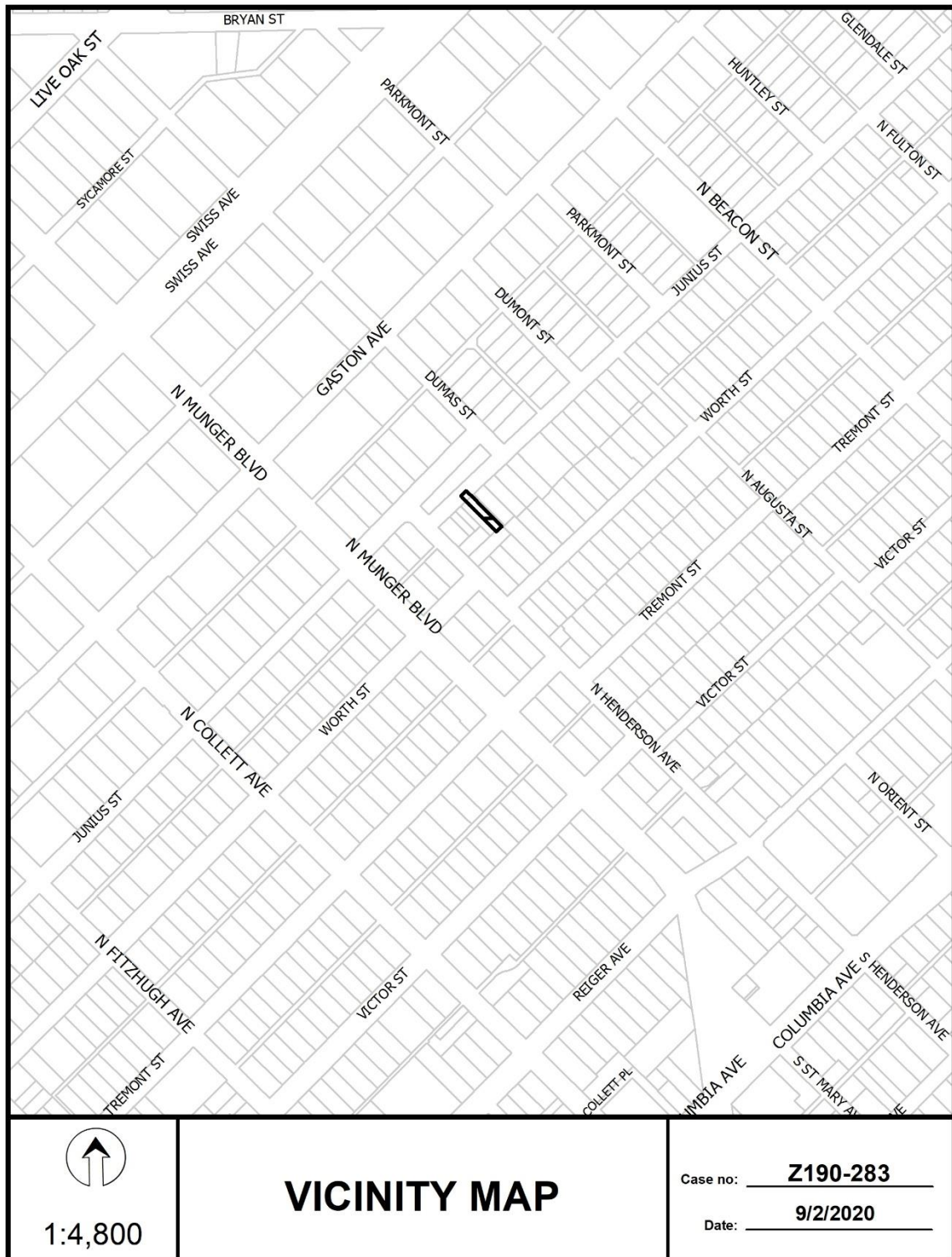
3. TIME LIMIT: This specific use permit automatically terminates on (two years from the passage of the ordinance.)

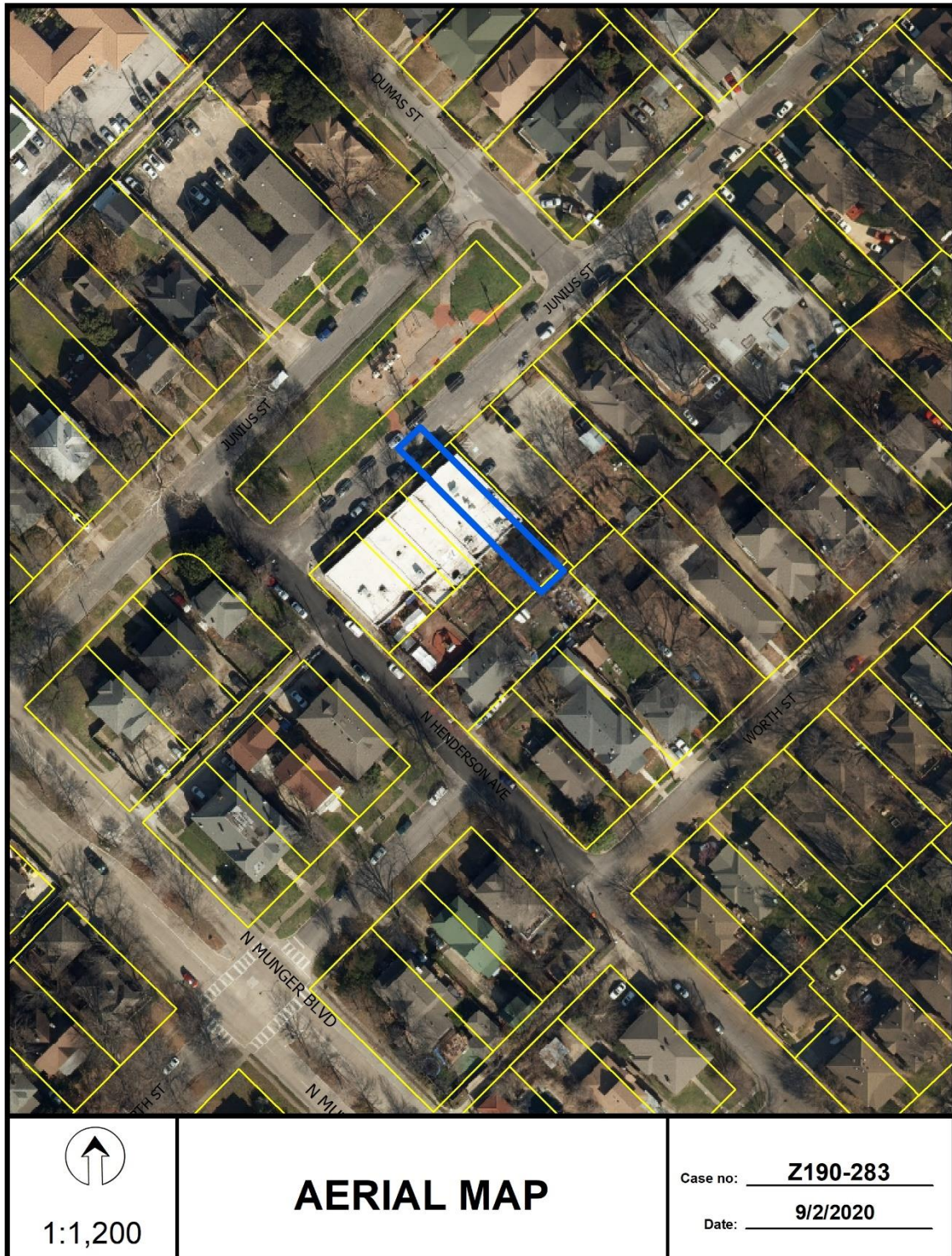
4. FLOOR AREA: The maximum floor area is 1,776 square feet in the location shown on the attached site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

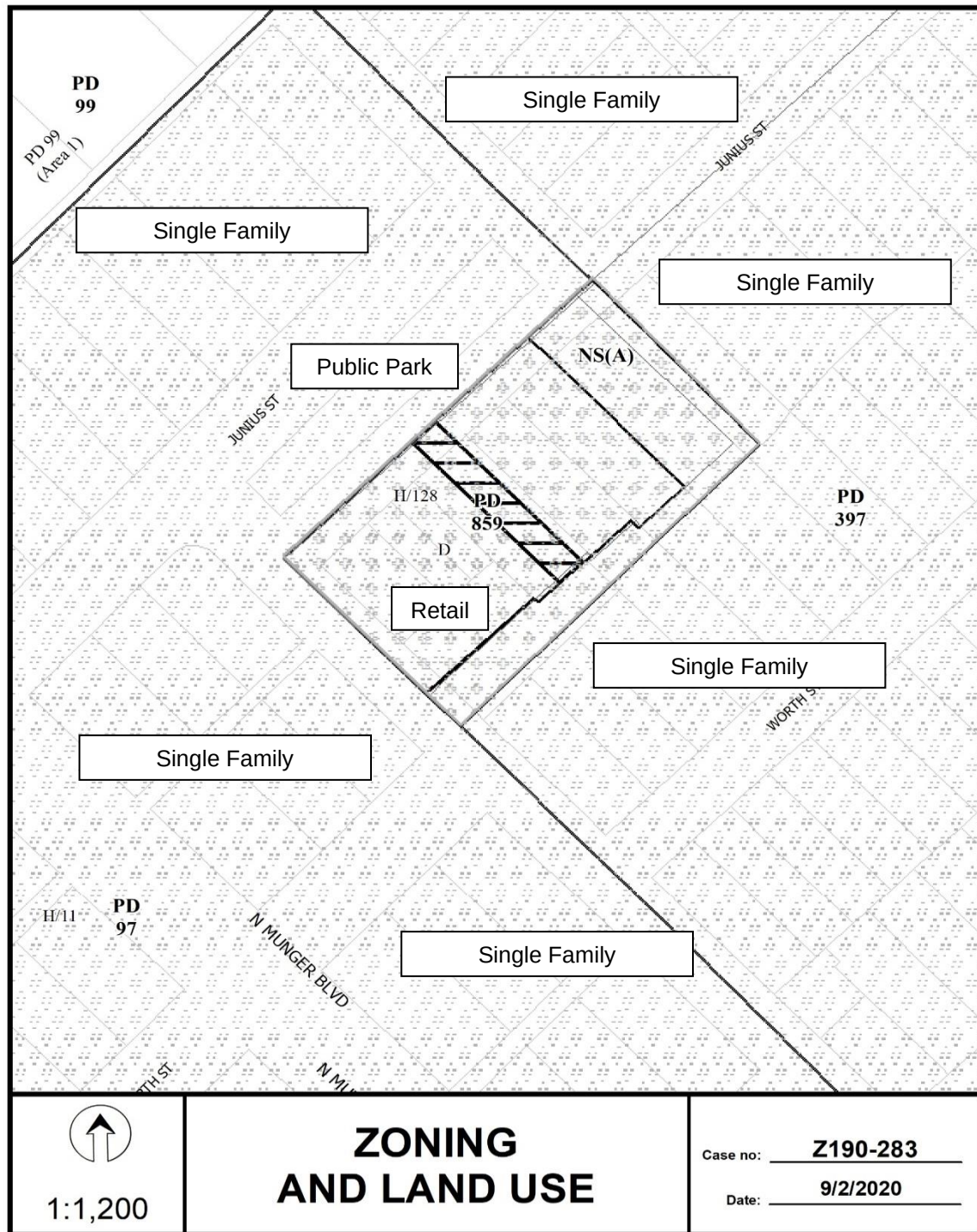
CPC PROPOSED SUP SITE PLAN

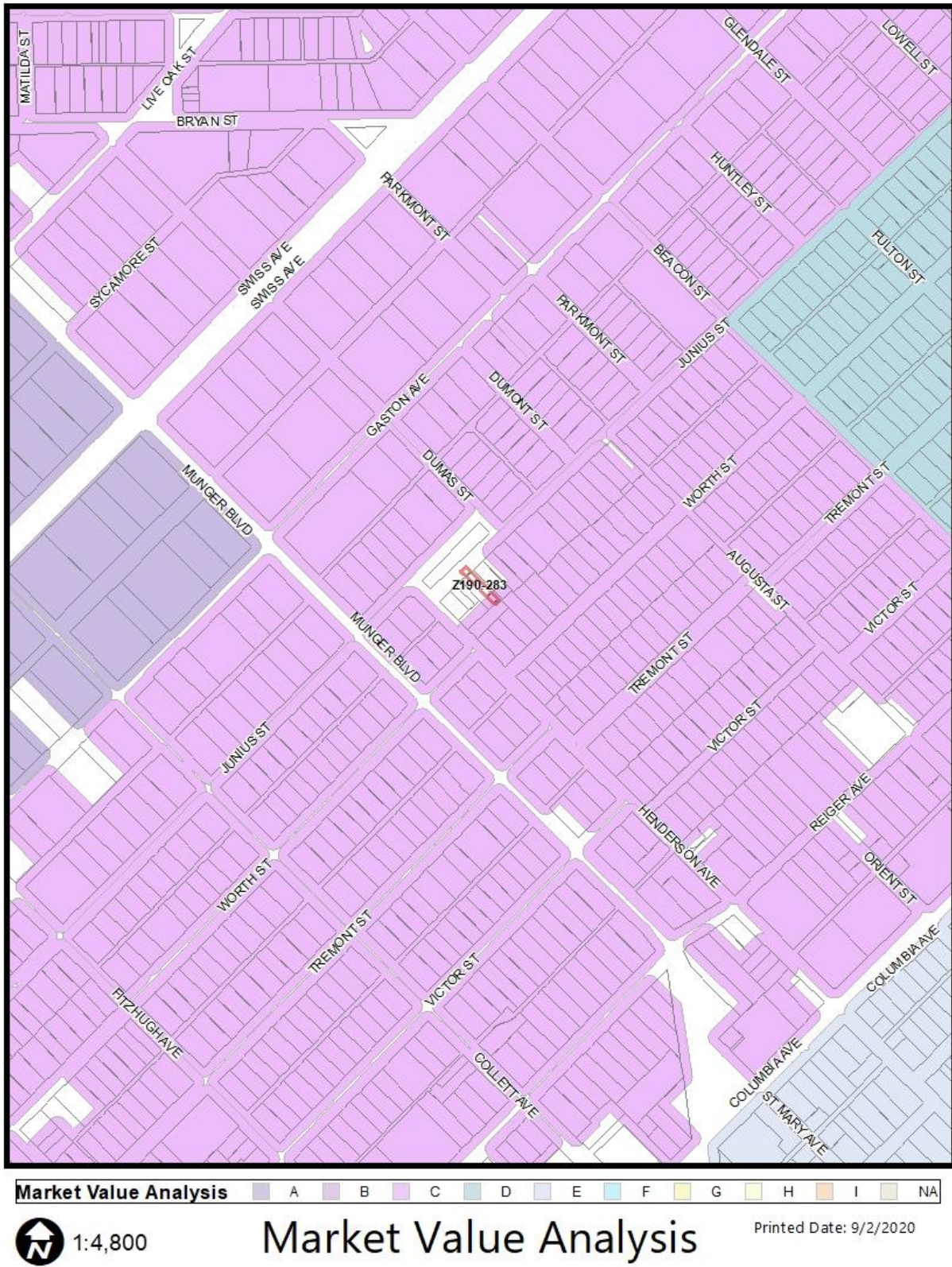


Z190-283(CT)









CPC RESPONSES



11/18/2020

Reply List of Property Owners***Z190-283******20 Property Owners Notified******11 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	5304 JUNIUS ST	WOOTTON ROBERT DALE
O	2	612 N HENDERSON AVE	WOOTTON DALE
X	3	5326 JUNIUS ST	GRAHAM ERIC & ELEANOR
	4	5315 WORTH ST	OBRIEN DEBORAH &
O	5	5311 WORTH ST	JIMENEZ RAYMOND
	6	5323 WORTH ST	BROWN JASON & TRACI
X	7	5322 JUNIUS ST	SHAW JOHN STEPHENS
O	8	5319 WORTH ST	RATNER SETH &
O	9	5327 WORTH ST	EICHLER PROPERTIES LLC
O	10	5301 WORTH ST	CARROLL ROBERT W & MARY J
O	11	5307 WORTH ST	JONES BARRETT & CARLY MCGLAUN
O	13	5211 WORTH ST	STAYER MARIANNE
	14	5212 WORTH ST	MARKEY JAMES P &
	15	5301 JUNIUS ST	OBRIEN MOLLY M & JUSTIN BURKE
X	16	5305 JUNIUS ST	MILLER DONNA C
O	17	5309 JUNIUS ST	COLOMBO BRANDON
	18	5317 JUNIUS ST	BROADMINDED TEXAS LLC
	19	5327 JUNIUS ST	USREY TOM & CINDY E
O	A1	700 DUMAS ST	CARBAJAL ADAN ARROYO &
O	A2	5212 JUNIUS ST	NEWMAN RICHARD J