

FILE NUMBER: Z223-234(MP) **DATE FILED:** March 20, 2023

LOCATION: An area bounded by Greenville Avenue, La Vista Drive, Hope Street, and Lewis Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: 28,793 square feet **CENSUS TRACT:** 48113001101

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: 1800 Greenville Partners, LLC

APPLICANT: Voodoo Doughnut, LLC

REQUEST: 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.

SUMMARY: The applicant requests to operate an existing restaurant without drive-in or drive-through service during late hours (12:00 a.m. to 2:00 a.m.), Monday through Sunday. [Voodoo Doughnuts]

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.

CPC 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 PD creates its own use definition known as “late hours establishment.”
- Late hours establishment is defined by the PD as “a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m.” This is not a use in the broader code. The use requires a specific use permit within the district.
- The area of request includes the suite address 1806 Greenville Avenue #120.
- The 28,793 square foot area of request is developed with an 11,875 square foot retail strip built in 1930 and a 7,728 square foot storage area built in 1962. The applicant proposes to limit this late hours SUP to one of the suites with a site plan and conditions.
- Voodoo Doughnuts, a restaurant without drive-in or drive-through service, received a Certificate of Occupancy on November 14, 2023 for the 3,111 square foot space. The restaurant may operate by right in the district and only needs the SUP for operations past 12 a.m.
- The applicant requests conditions that would allow them to extend operational hours from 12 a.m. to 2 a.m., Monday through Sunday.

Zoning History:

There have been seven 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, the City Council terminated Specific Use Permit No. 2346 for a late-hours establishment limited to a restaurant with drive-in or drive through service on property zoned Planned Development District No. 842 located at the Southwest corner of Greenville Avenue and Alta Avenue. [Authorized hearing]
3. **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.

4. **201-258:** 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.
5. **Z223-129:** On July 6, 2023, the City Plan Commission recommended denial with prejudice for 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.
6. **Z223-135:** On July 6, 2023, the City Plan Commission recommended denial without prejudice for 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.
7. **Z223-289:** 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. [In review]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	variable
La Vista Drive	Local	50 feet
Hope Street	Local	50 feet
Lewis Street	Local	60 feet

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 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

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 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.1.1 Promote pedestrian friendly streetscapes.

Policy 5.1.2 Define urban character in downtown and urban cores.

GOAL 5.2 STRENGTHEN 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 districts, linkages, and areas.

Land Use:

	Zoning	Land Use
Site	PD No. 842 MD-1 Modified Delta Overlay	Restaurants without drive-in or drive-through service, personal service use
North	PD No. 842, MF-2(A) Multifamily District, all with MD-1 Modified Delta Overlay	Personal service uses, single family (attached)
East	MF-2(A) Multifamily District MD-1 Modified Delta Overlay	Single family (attached)
South	PD No. 842 MD-1 Modified Delta Overlay	Restaurants without drive-in or drive-through service
West	PD No. 691 MD-1 Modified Delta Overlay	Vertical mixed use (Retail / Multifamily)

Land Use Compatibility:

The approximate 28,793 square foot site is zoned Planned Development No. 842 with an MD-1 Modified Delta Overlay District No. 1, the Greenville Avenue Modified Delta Overlay District. The existing structure on the block has six suites that hold multiple restaurants without drive-in or drive-through service and a personal service use.

There are subdivisions with single family (attached) uses to the north across La Vista Drive and to the east across Hope Street. There is also a personal service use to the north, fronting Greenville. To the west across Greenville, there is a mixed use complex with retail uses and multifamily. Across Lewis Street to the south, there is a restaurant without drive-in or drive-through service.

The existing restaurant operates within a 3,111 square foot suite with no outdoor area. The building fronting Greenville has existed since roughly 1930.

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 finds that each of these criteria are met by the proposed SUP.

Staff supports the request subject to a site plan and conditions. Under the conditions proposed with limited hours of operation, limited floor area, prohibition of outdoor speakers, and the site plan provided, the operation of the use during extended hours is compatible with the surrounding area.

Overall, the SUP autorenewal process requires public notification and potential opportunity to address operational concerns. If the operation authorized under the SUP fails to meet the provisions of maintaining an SUP as described above, the public hearing process can assist with identifying those issues. [Sec. 51A-4.219\(c\)](#) provides means for stakeholders and the Commission to take further action to amend or terminate the SUP each time the autorenewal comes up for consideration.

Other similar SUPs currently include eligibility for automatic renewal within the immediate area. For example, SUP No. 1879 for a late hours establishment for a bar, lounge, or tavern is eligible for automatic renewals for two year periods.

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:

Parking is required to be provided in accordance with Chapter 51A, as amended.

The subject block has four restaurants without drive through, which each have a requirement of one space per 100 square feet of floor area. The total restaurant square footage is 12,248, so 122 spaces are required. The existing personal service use on site

is 2,500 square feet, and with a requirement of one space per 200 square feet of floor area, 13 spaces are required for that use. As such, the uses on the subject block require 135 spaces in total. To receive certificates of occupancy, uses on the property must provide required parking and establish recorded parking agreements with existing properties nearby. The site plan describes 156 spaces provided to this block through remote agreement, including the 17 spaces on the subject site. The informational parking plan exhibit depicts these agreement lots throughout the surrounding area. As such, the block and the use meet the minimum parking required by 51A.

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 an “E” MVA area.

List of Officers

1800 Greenville Partners, LLC

Members:

Susan Reese

Jon Hetzel

Lower Greenville Avenue Trust

Voodoo Donuts, LLC

Members:

Chris Schultz

Jon Sequeira

Kenneth Pogson

City Plan Commission Action
February 1, 2024

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a two-year period, subject to a site plan and conditions with Hours of Operation from 12:00 a.m. (midnight) to 6:00 a.m. 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.

Maker: Kingston
Second: Blair
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin
Against: 0
Absent: 0
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 62
Replies: For: 1 Against: 1

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC RECOMMENDED CONDITIONS

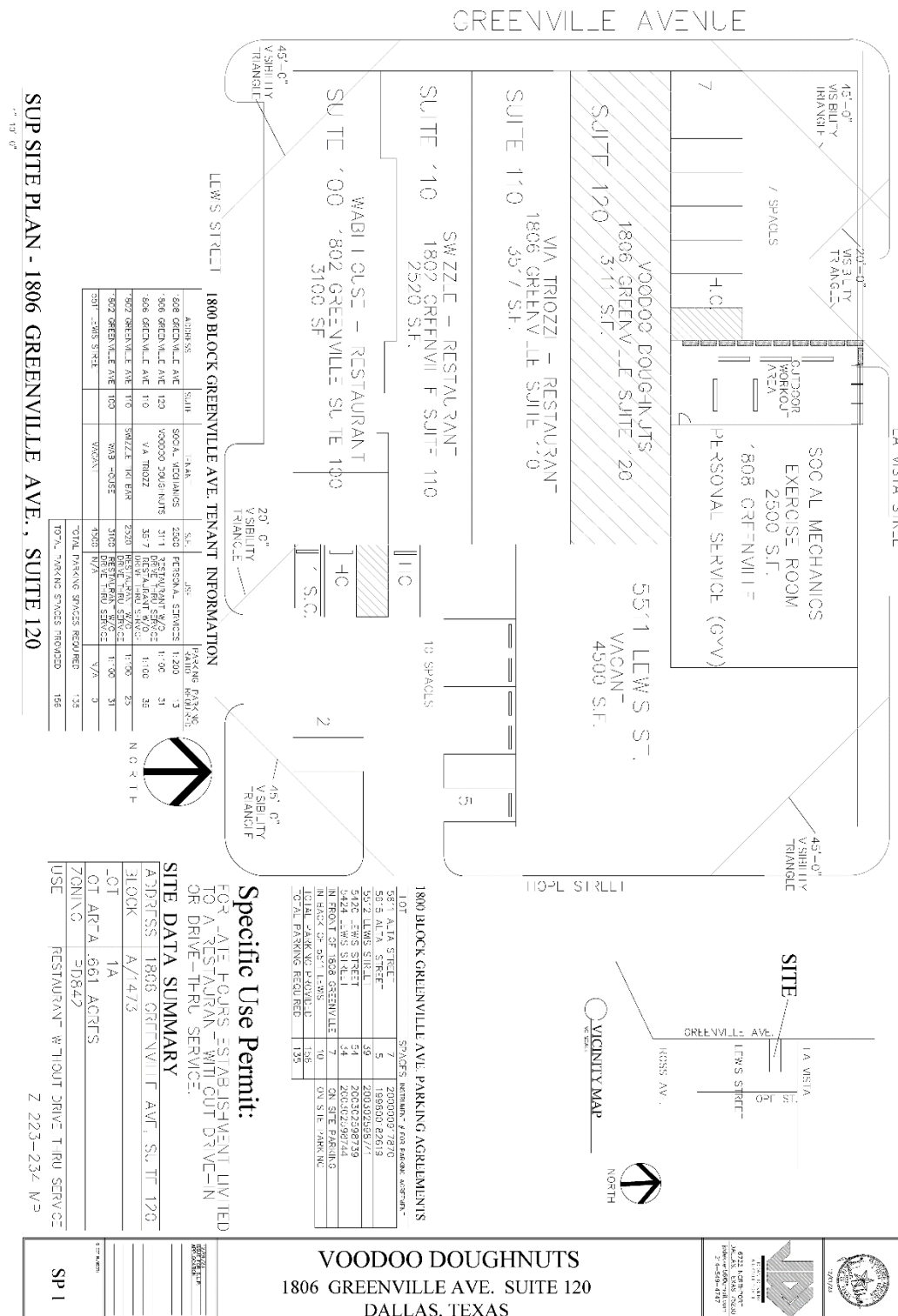
1. **USE:** The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires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

Staff Recommendation and Applicant Request:

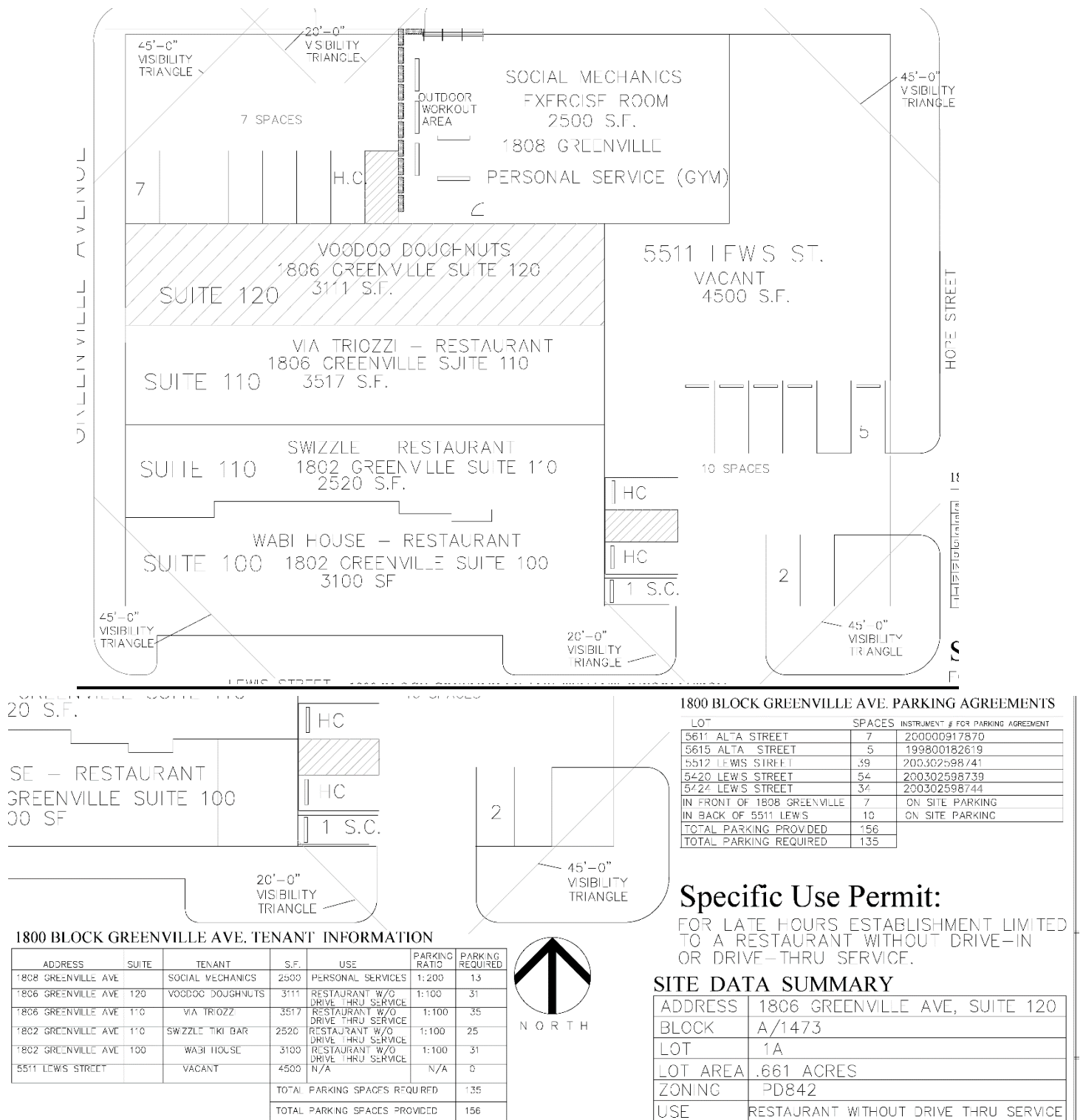
3. **TIME LIMIT:** This specific use permit expires in two years, but is eligible for automatic renewal for additional two-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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.)

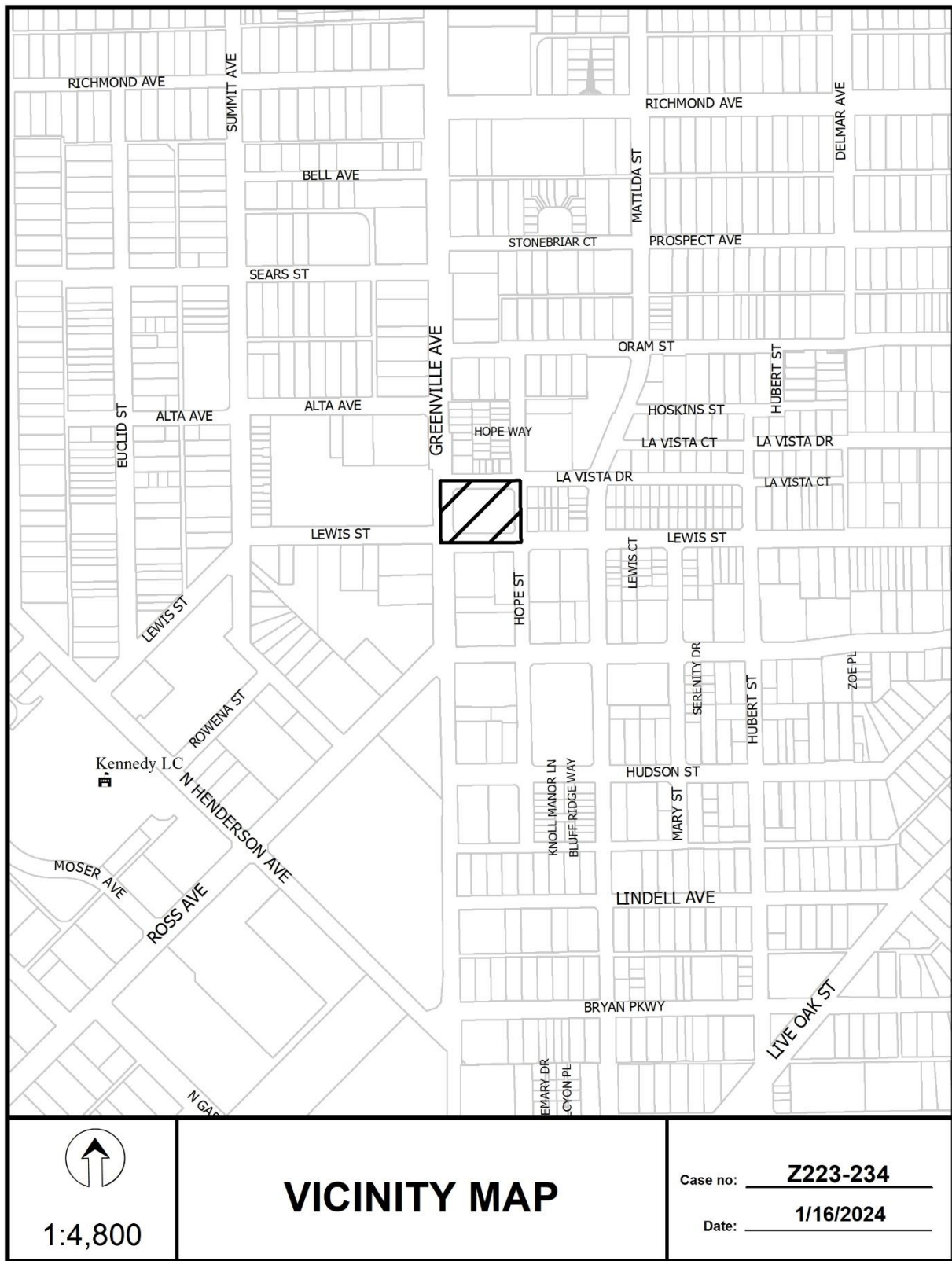
4. **FLOOR AREA:** The maximum floor area is 3,111 square feet.
5. **HOURS OF OPERATION:**
 - A. The late-hours establishment limited to a restaurant without drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 6:00 a.m., Monday through Sunday.
 - B. All customers must be removed from the Property by 2:15 a.m.
6. **OUTDOOR SPEAKERS:** Use of outdoor speakers outdoors is prohibited.
7. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
8. **GENERAL REQUIREMENT:** 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.

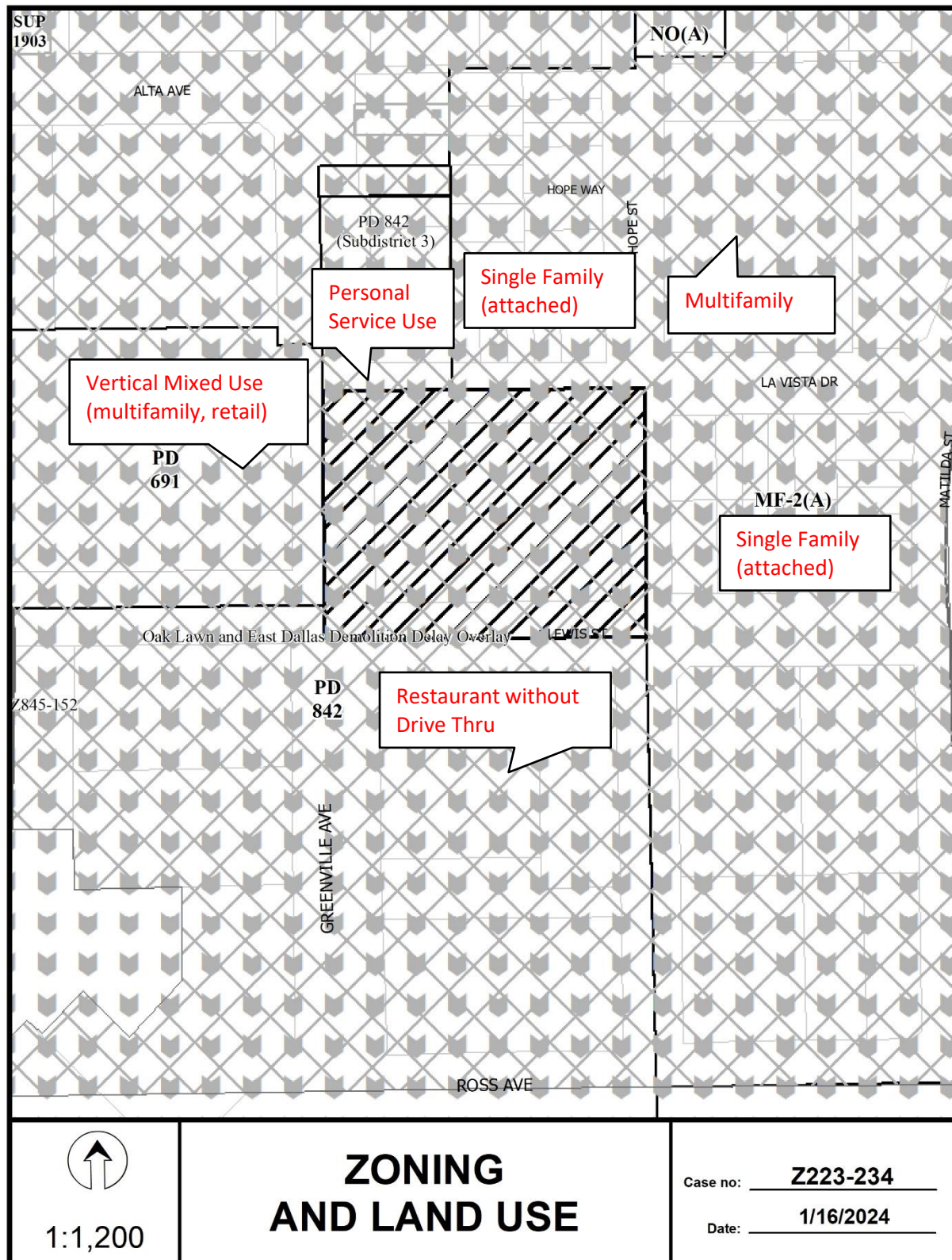
CPC RECOMMENDED SITE PLAN

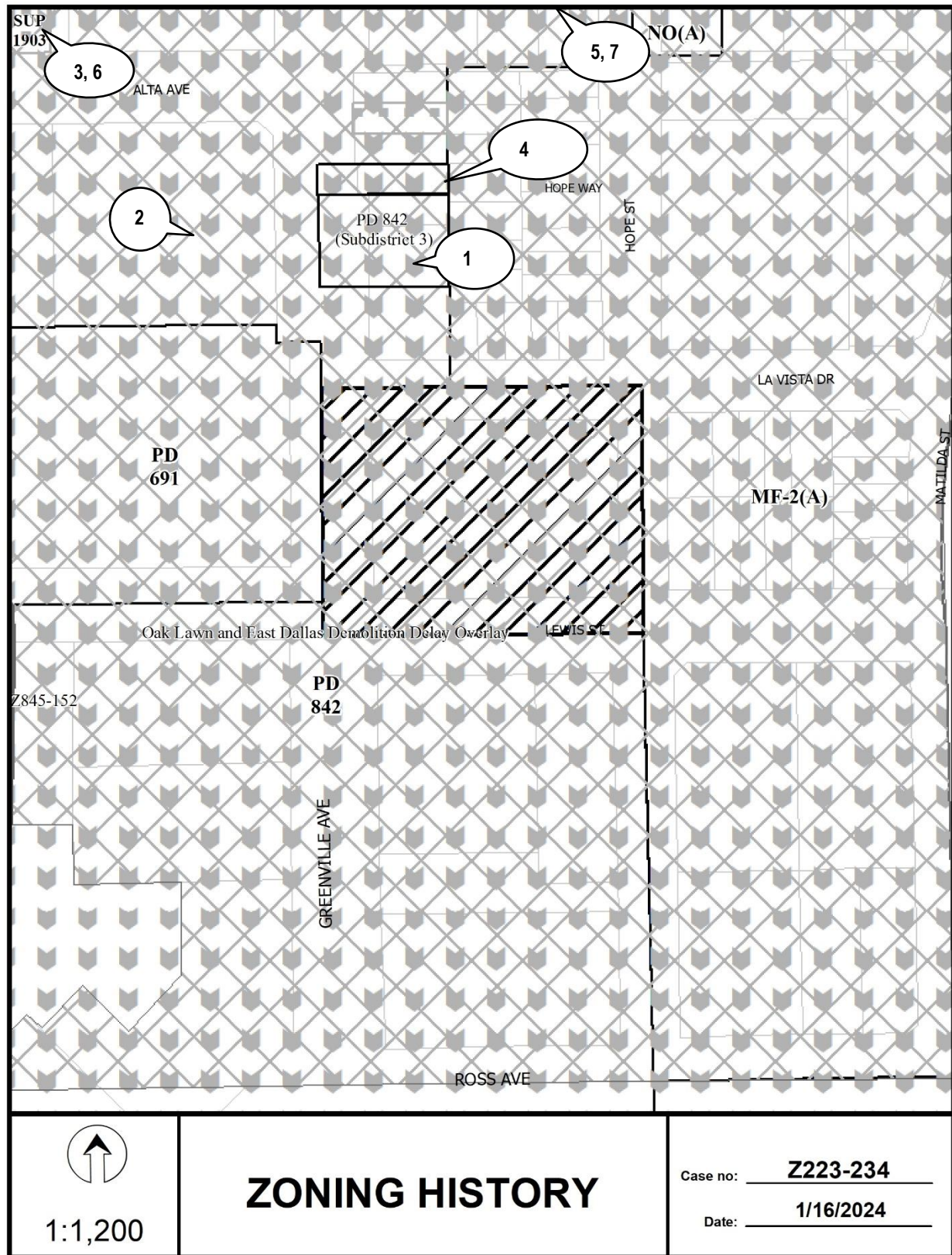


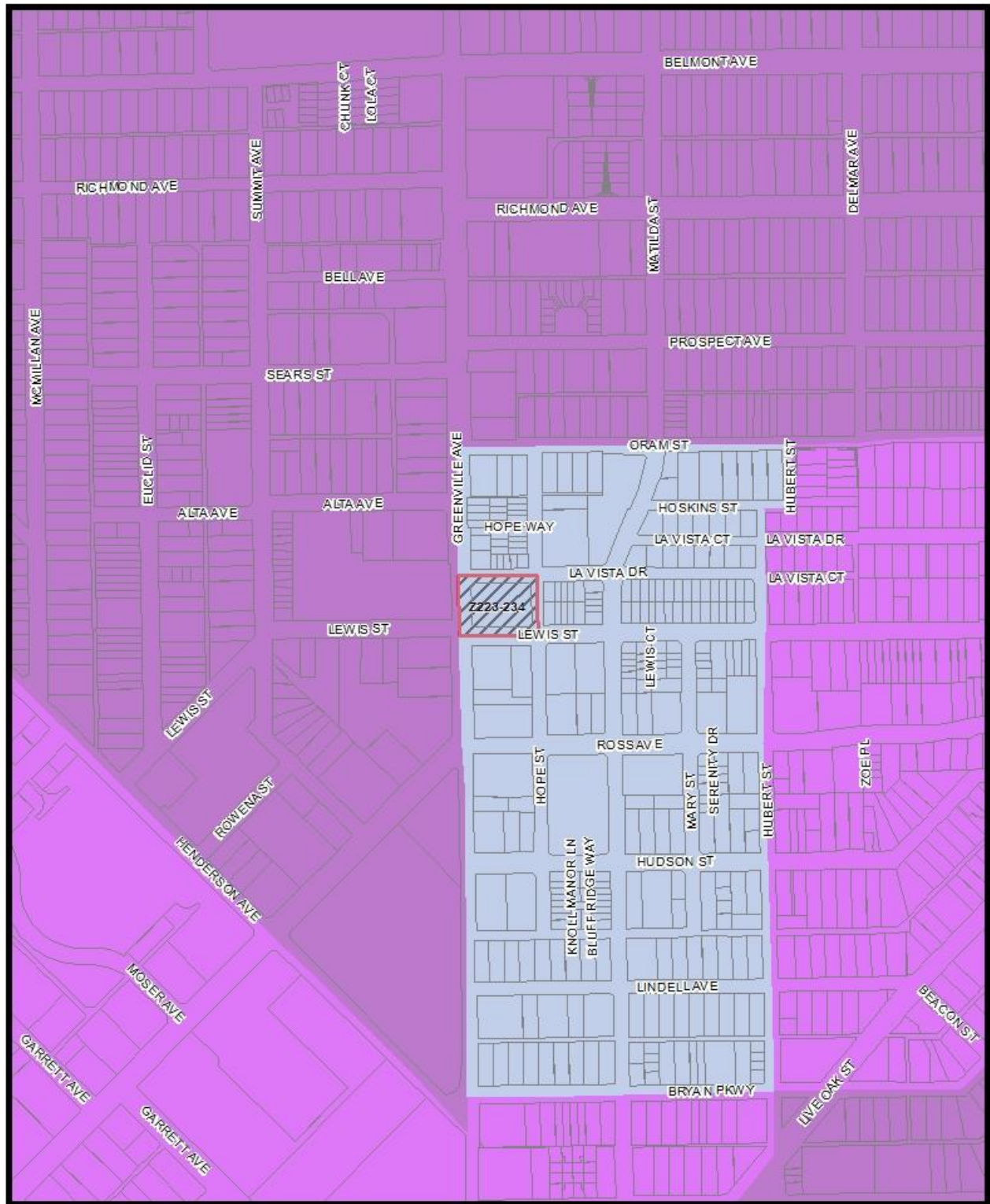
CPC RECOMMENDED SITE PLAN (ENLARGED)











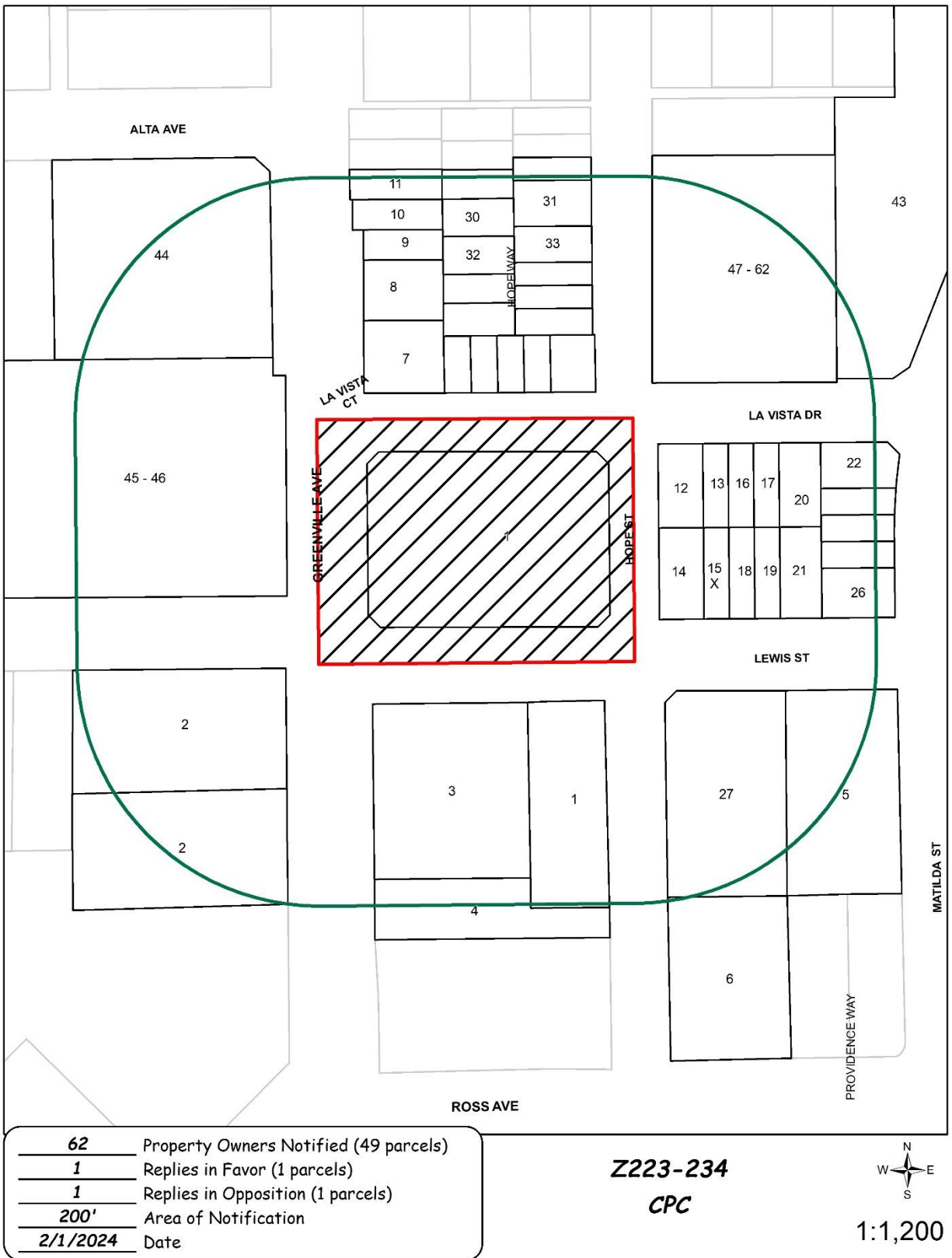
Market Value Analysis A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 1/17/2024



01/31/2024

Reply List of Property Owners***Z223-234******62 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5512 LEWIS ST	1800 GREENVILLE PARTNERS LLC
	2	1733 GREENVILLE AVE	MACATEE FAMILY LIMITED
	3	1710 GREENVILLE AVE	SAM SKILLERN LEAKE SR F TRUST &
	4	1708 GREENVILLE AVE	SAM SKILLERN LEAKE SR
	5	5610 LEWIS ST	IP ROSS FLATS LLC
	6	5611 ROSS AVE	IPENEMA INVESTMENTS LTF
	7	1900 GREENVILLE AVE	EDWARDS CHARLES DUFF
	8	1904 GREENVILLE AVE	RBT INTERESTS INC &
	9	1908 GREENVILLE AVE	GREENVILLE PARKS LP
	10	1910 GREENVILLE AVE	TEXAS URBAN LIVING REALTY LLC
	11	1912 GREENVILLE AVE	LOWGREEN PS LTD
	12	5702 LA VISTA DR	SANTELLI JOSEPH
	13	5704 LA VISTA DR	ALLEY JACOB
	14	5603 LEWIS ST	SCHMIDT AUSTIN KENNETH
X	15	5605 LEWIS ST	GENERALOVICH MIKE M &
	16	5706 LA VISTA DR	FLEMING THOMAS C &
	17	5708 LA VISTA DR	REEVES STUART & KAREN
	18	5607 LEWIS ST	KOTEK THOMAS & NAOMI TRUST
	19	5609 LEWIS ST	CAPLIN JOEL & DEEPA
	20	5710 LA VISTA DR	SHAKIR RAFIG
	21	5611 LEWIS ST	CLONTS JAMES R &
	22	1811 MATILDA ST	MCMURRAY RYAN
	23	1809 MATILDA ST	MARTINEZ VANESSA MARIA
	24	1807 MATILDA ST	KENDALL ROBERT BENNET
	25	1805 MATILDA ST	TRESTER CHRISTINA
	26	1803 MATILDA ST	CHANDLER SHELBY

01/31/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5604 LEWIS ST	FORTY LOVE PROPERTIES LP
	28	1918 HOPE WAY	MCCOWAN ROBERT W
	29	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
	30	1913 HOPE WAY	HERNDON LINDSEY
	31	1916 HOPE WAY	OTOOLE TIMOTHY
	32	1911 HOPE WAY	NIEHUUS MICHAEL
	33	1912 HOPE WAY	MTS TEXAS HOLDINGS LLC
	34	1910 HOPE WAY	REKER STEVEN &
	35	1909 HOPE WAY	JOHNSON RONALD L
	36	1908 HOPE WAY	GANDHI ANUPAMA K
	37	1907 HOPE WAY	WEINER ERIC DAVID
O	38	1906 HOPE WAY	ABOUJAOUDE DORY
	39	5715 LA VISTA DR	COWAN LEE
	40	5713 LA VISTA DR	OHP HOLDINGS LLC
	41	5711 LA VISTA DR	Taxpayer at
	42	5709 LA VISTA DR	SHANE MARIO M & RACHELLE
	43	1965 MATILDA ST	CVG MAGNOLIA ON MATILDA LLC
	44	1827 GREENVILLE AVE	LOWGREEN PS
	45	1811 GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
	46	1811 GREENVILLE AVE	GREENWAY GREENVILLE LP
	47	1910 HOPE ST	MOJICA EDWARD
	48	1910 HOPE ST	KEELING THOMAS
	49	1910 HOPE ST	BUCKLEY KEVIN & MARGARET
	50	1910 HOPE ST	KUPERMAN YELENA
	51	1910 HOPE ST	CROUCH EDIE D
	52	1910 HOPE ST	BLECHER MARK WARREN
	53	1910 HOPE ST	BEAHM CYNTHIA DIANE
	54	1910 HOPE ST	GALLEGOS LISA RASHELLE
	55	1910 HOPE ST	UTKOV HALLIE T 2021 REVOCABLE
	56	1910 HOPE ST	KOBAYASHI AARON S &
	57	1910 HOPE ST	MERZ RYAN E

Z223-234(MP)

01/31/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1910 HOPE ST	LOTT LESLIE
	59	1910 HOPE ST	ANKERSEN KRISTEN A
	60	1910 HOPE ST	WEBER BROS HOMES TX LLC
	61	1910 HOPE ST	FOUR BUCKETS LLC
	62	1910 HOPE ST	BLECHER PAUL