

FILE NUMBER: Z189-287(PD) **DATE FILED:** June 7, 2019
LOCATION: South corner of McKinnon Street and Ivan Street
COUNCIL DISTRICT: 2 **MAPSCO:** 45 E
SIZE OF REQUEST: ±16,774 sq. ft. **CENSUS TRACT:** 19.00

REPRESENTATIVE: Melody Paradise

APPLICANT/OWNER: One Harwood Boulevard, Ltd.

REQUEST: An application for an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use on property zoned an LC-D-1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the continued operation of the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and an amendment to allow for the following changes: 1) the removal and relocation of a drive approach, drive-way, and parking orientation, 2) a revised parking data table, 3) the addition of a permeable shade structure, and 4) the addition of shade trees.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an existing 1,775-square-foot single-story structure subdivided with two suites.
- Previously the site was developed with a second single-story structure that was demolished in 2017 due to the structural integrity having been compromised.
- On October 8, 2014, the City Council approved a zoning change and SUP No. 2108 for alcoholic beverages in conjunction with a restaurant without drive-through service use for a five-year period with eligibility of automatic renewal for additional five-year periods [Z134-274] on the subject site.
- The purpose of the request is to continue the operation of the business for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and amend the following: 1) remove and relocate a drive approach, 2) remove a drive-way, 3) remove remote parking spaces shown on an adjacent parcel, 4) re-orient parking, 5) revise a parking data table, 6) add a permeable shade structure, and 7) add shade trees.

Zoning History: There has been one recent zoning change requested in the area within the past five years.

1. **Z134-274** On October 8, 2014, the City Council recommended approval of LC Light Commercial Subdistrict within Planned Development District No. 193, a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service on property zoned an MF-3 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
McKinnon Street aka Dallas North Tollway	Freeway	Variable right-away width	Variable right-away width
N. Harwood Street	Local Street	60 ft.	60 ft.
Ivan Street	Local Street	45 ft.	45 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed request will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

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.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.

The objective does not apply due to the structure being existing.

- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

The objective does not apply due to the request site not being in a retail area.

- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

The structure and off-street parking spaces are existing, and no enlargements are proposed.

- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

While an enlargement is proposed, the enlargement is for an open air pergola which does not constitute increased floor area and will not affect standards sensitive to scale and adjacency.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

The request is not residential in nature and does not propose any significant enlargements that could be considered for bonuses.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

The request does not seek any deviations from the Code or up-zoning. Other than the proposed amendment to the existing Site Plan, the site is in compliance with the Specific Use Permit conditions.

(7) To promote landscape/streetscape quality and appearance.

The applicant is proposing to close a drive approach, eliminating a driveway and emphasizing a pedestrian-friendly environment.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning with PDS No. 193	Land Use
Site	LC -D-1	Restaurant without drive-through service.
North	O-2	Undeveloped
Northeast	O-2	Multifamily
Southeast	PDS No. 83	Undeveloped
South	PDS No. 83	Undeveloped
West	PDS No. 77	Multifamily

Land Use Compatibility:

The request site is within Oak Lawn, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Considered to be one of Dallas' first commercial districts, Oak Lawn is within close proximity to three major highways, North Stemmons Freeway, Dallas North Tollway, and Harry Hines.

The request site consists of a one-story, 1,775-square-foot structure fronting on the south corner of Ivan Street and McKinnon Street. The 1,775-square-foot structure

consists of two suites, suite 1 is 799 square feet and is occupied with a restaurant without drive-through service use [The Grove] with an outdoor seating area. Suite 2 is 976 square feet and is currently vacant and proposed to be designated as a warehouse use. The request will allow for the continued operation of the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and amend the following: 1) remove and relocate a drive approach, 2) remove a drive-way, 3) remove remote parking spaces shown on an adjacent parcel, 4) re-orient parking, 5) revise a parking data table, 6) add a permeable shade structure, and 7) add shade trees.

Surrounding land uses include vacant tracts to the northwest, east and south, and multifamily to the west across Ivan Street and to the north across McKinnon Street.

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 and recommends approval of the amendment to and renewal of SUP No. 2108 because the continued sale of alcoholic beverages in conjunction with a restaurant without drive-through service will contribute to the character of the neighborhood and promote further tourism and reinvestment in the area.

Parking:

PDD No. 193 requires one space for every 100 square feet of floor area for a restaurant use. At a total square footage of 799 square feet, the proposed use requires eight spaces. The additional 976 square feet is intended to be utilized as a warehouse use. At a total square footage of 976 square feet, the proposed use requires one space for a total of nine spaces required. The request site will provide two spaces on-site with seven spaces being provided on an adjacent site.

Landscaping:

The request will not trigger landscape requirements per Part 1 of Planned Development District No. 193.

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 site is not within an identifiable MVA Category; however, it is in proximity to a “C” MVA Cluster to the west across Ivan Street and to the northeast across McKinnon Street.

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an LC-D1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay, on the south corner of McKinnon Street and Ivan Street.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

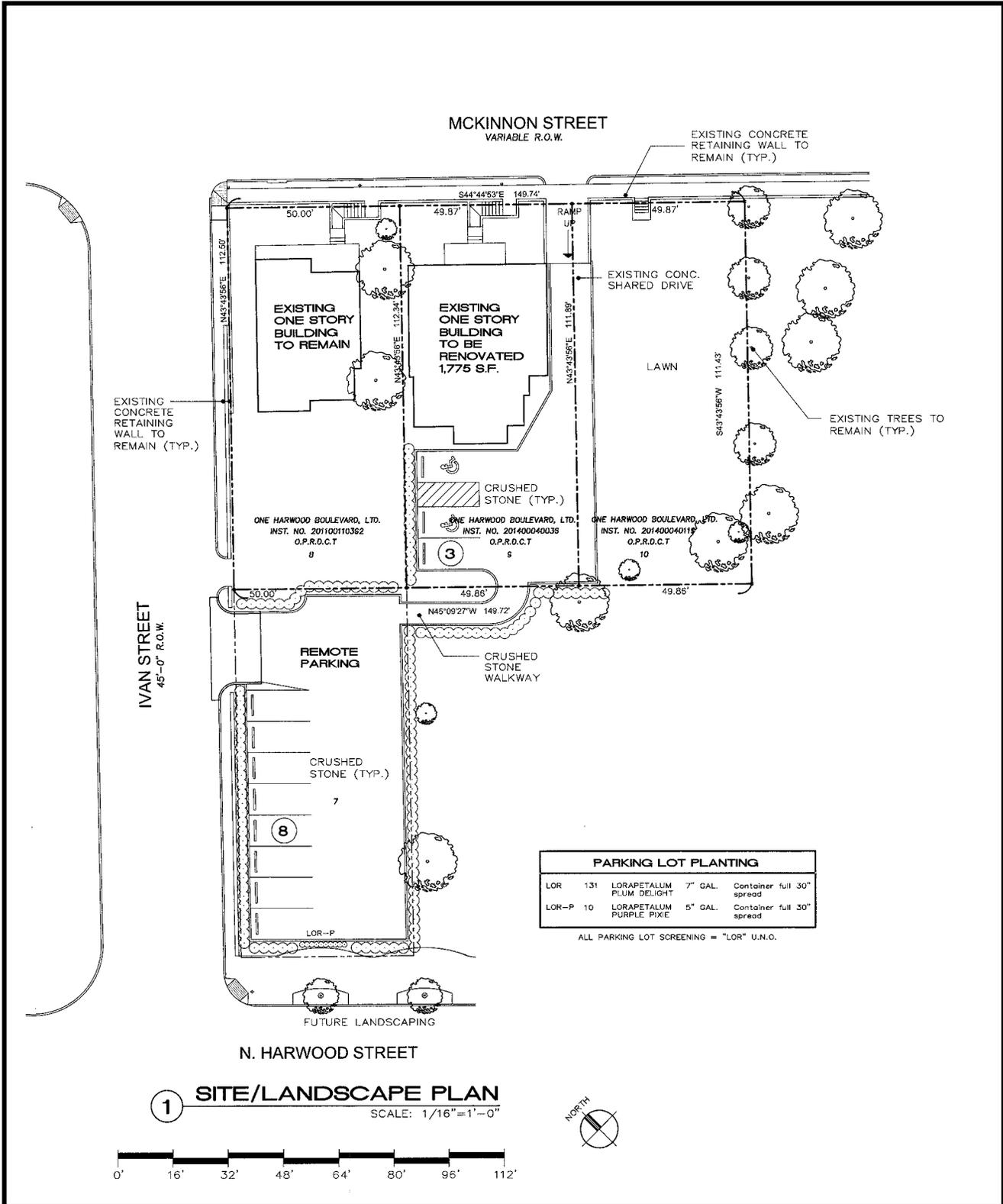
Notices: Area: 200 Mailed: 148
Replies: For: 4 Against: 0

Speakers: None

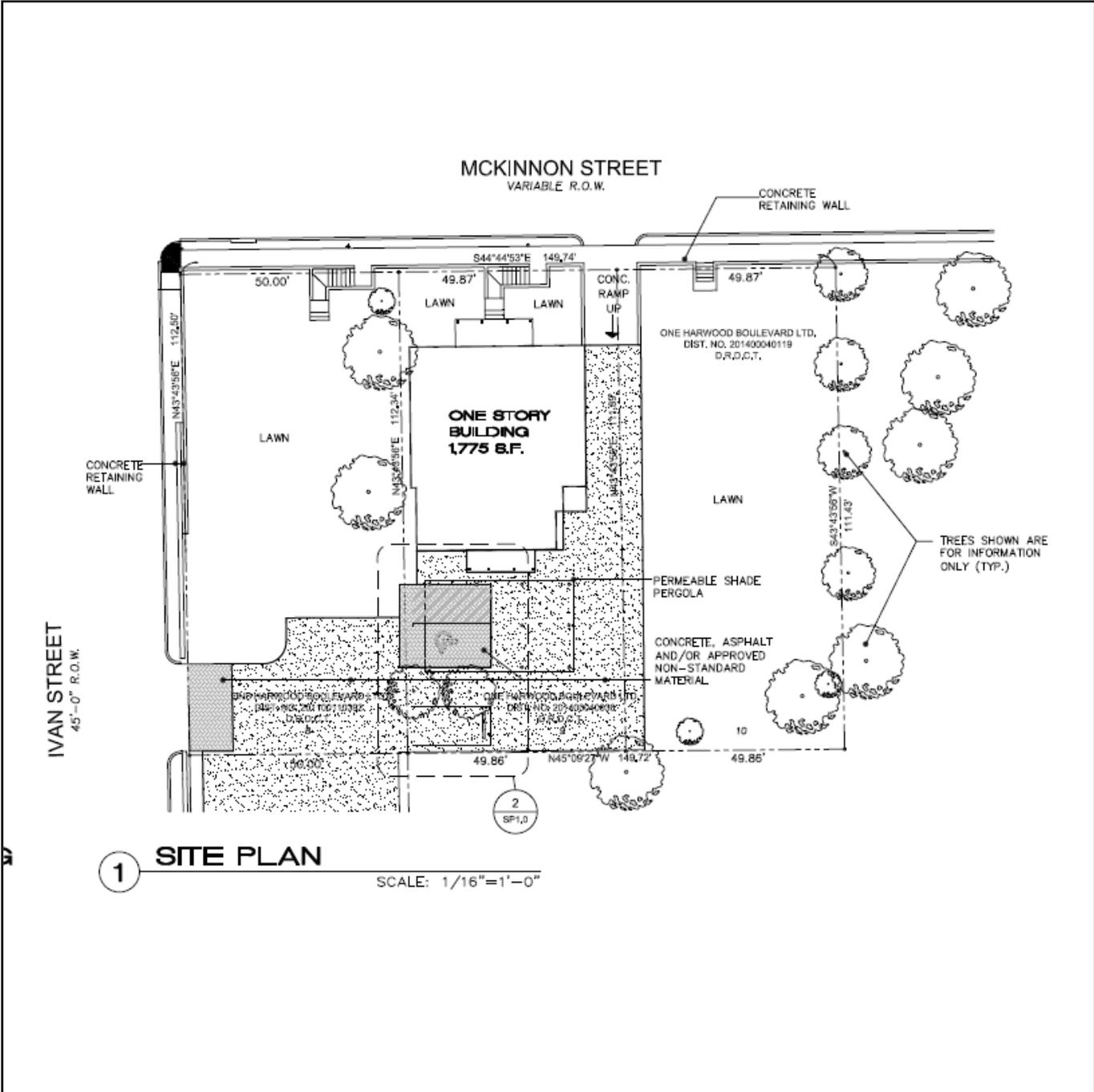
CPC RECOMMENDED CONDITIONS

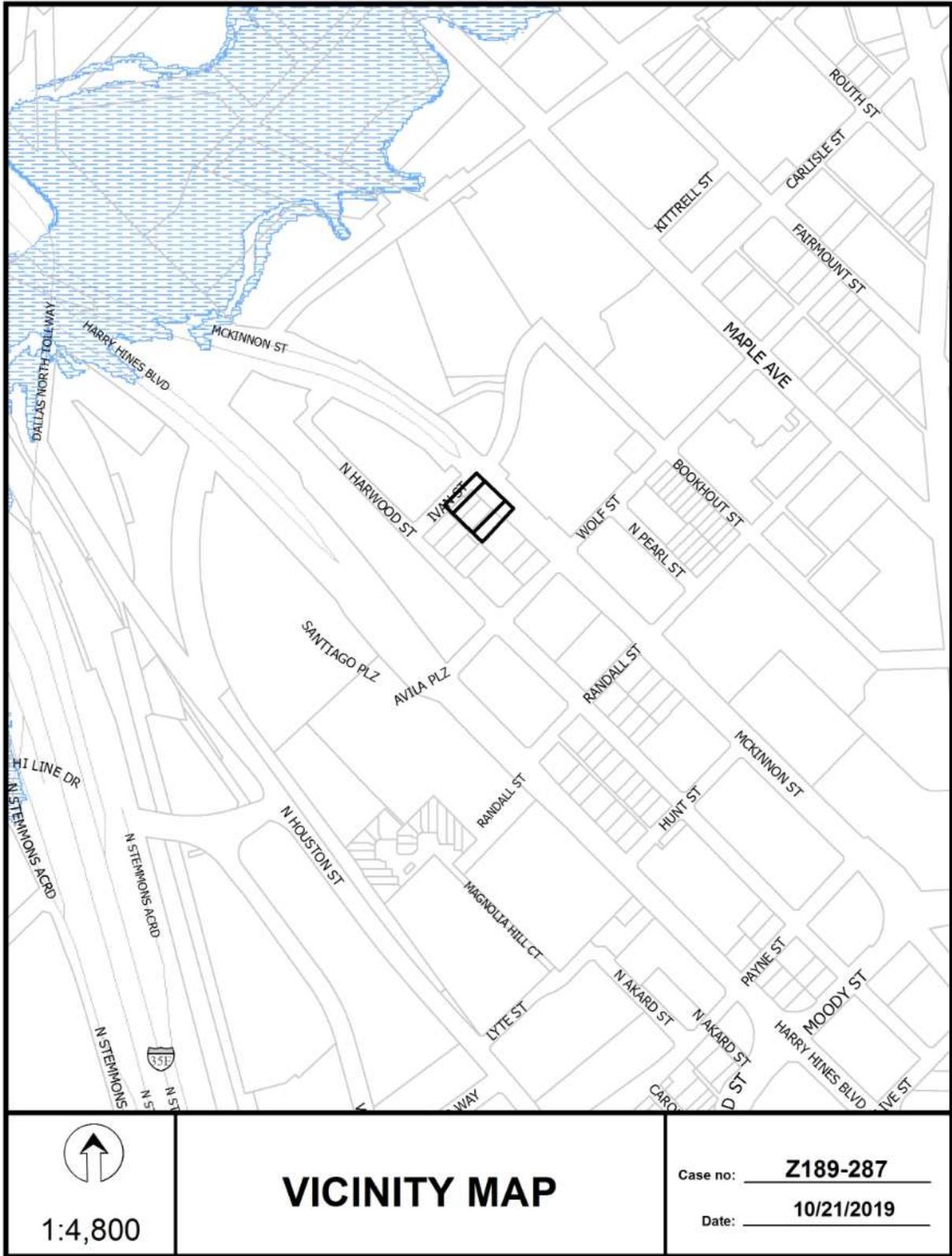
1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-through service.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on (five years from the passage of the 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 application for automatic renewal is strictly enforced.)
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **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.

EXISTING SITE PLAN



PROPOSED SITE PLAN





1:4,800

VICINITY MAP

Case no: Z189-287
Date: 10/21/2019

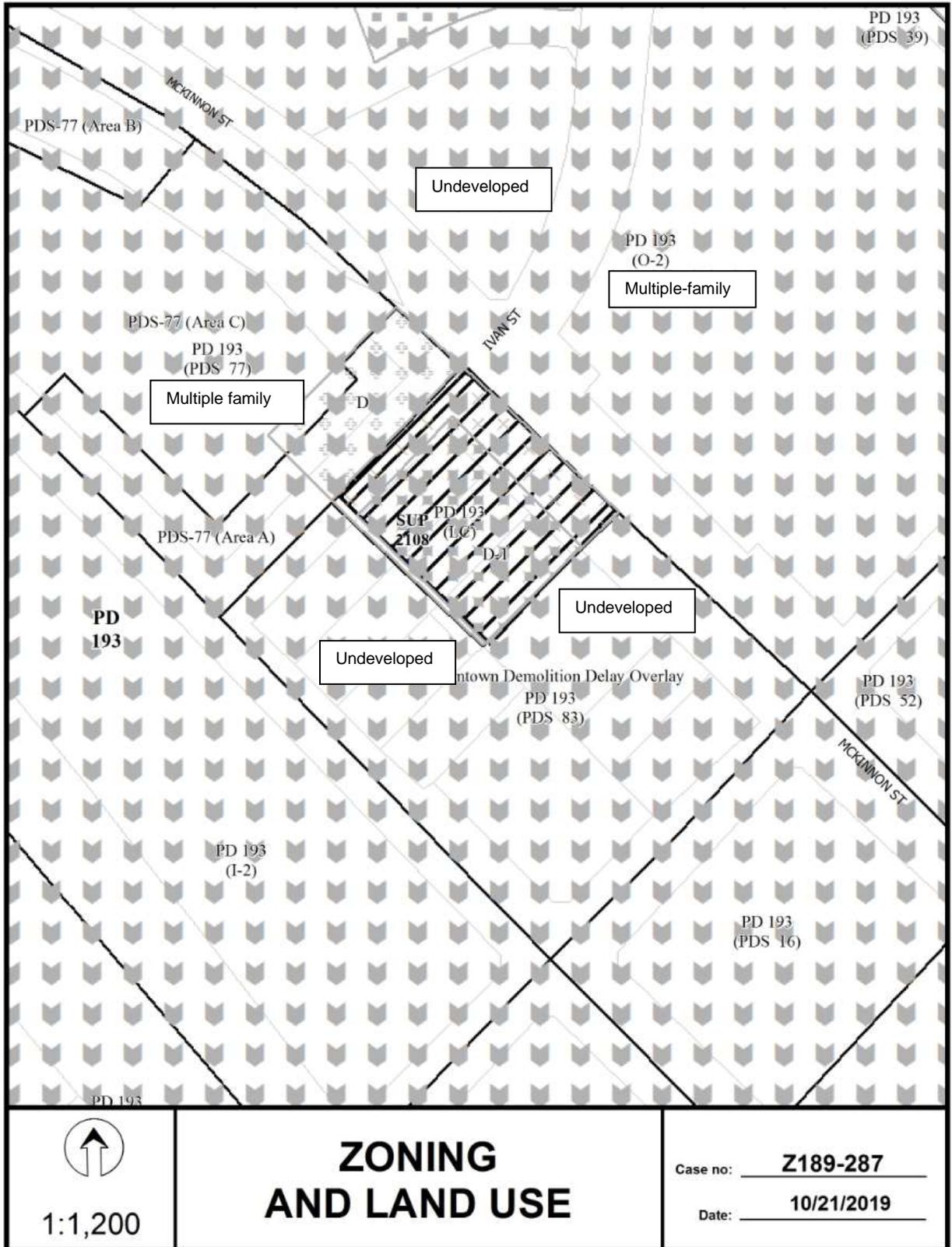


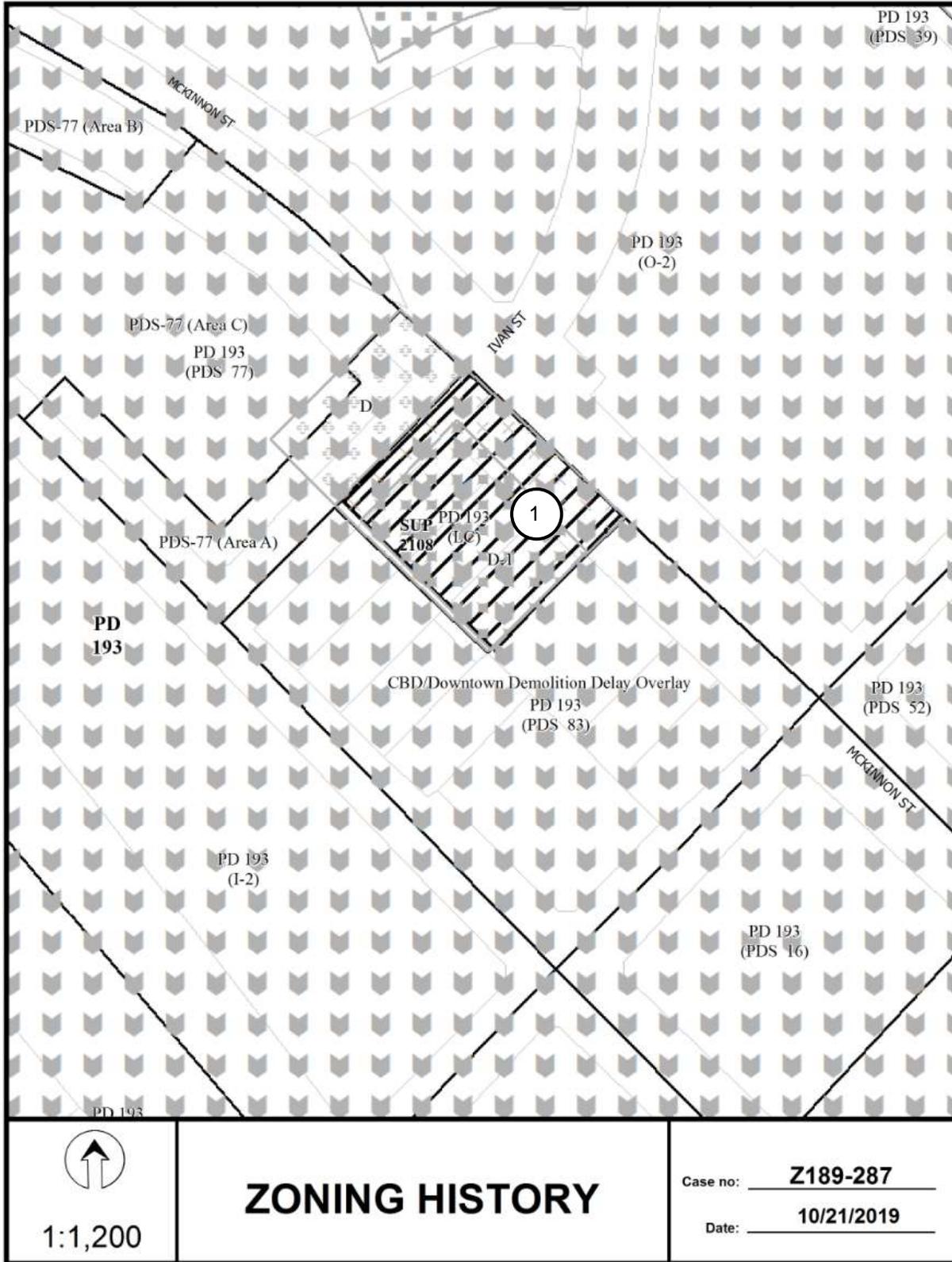
1:1,200

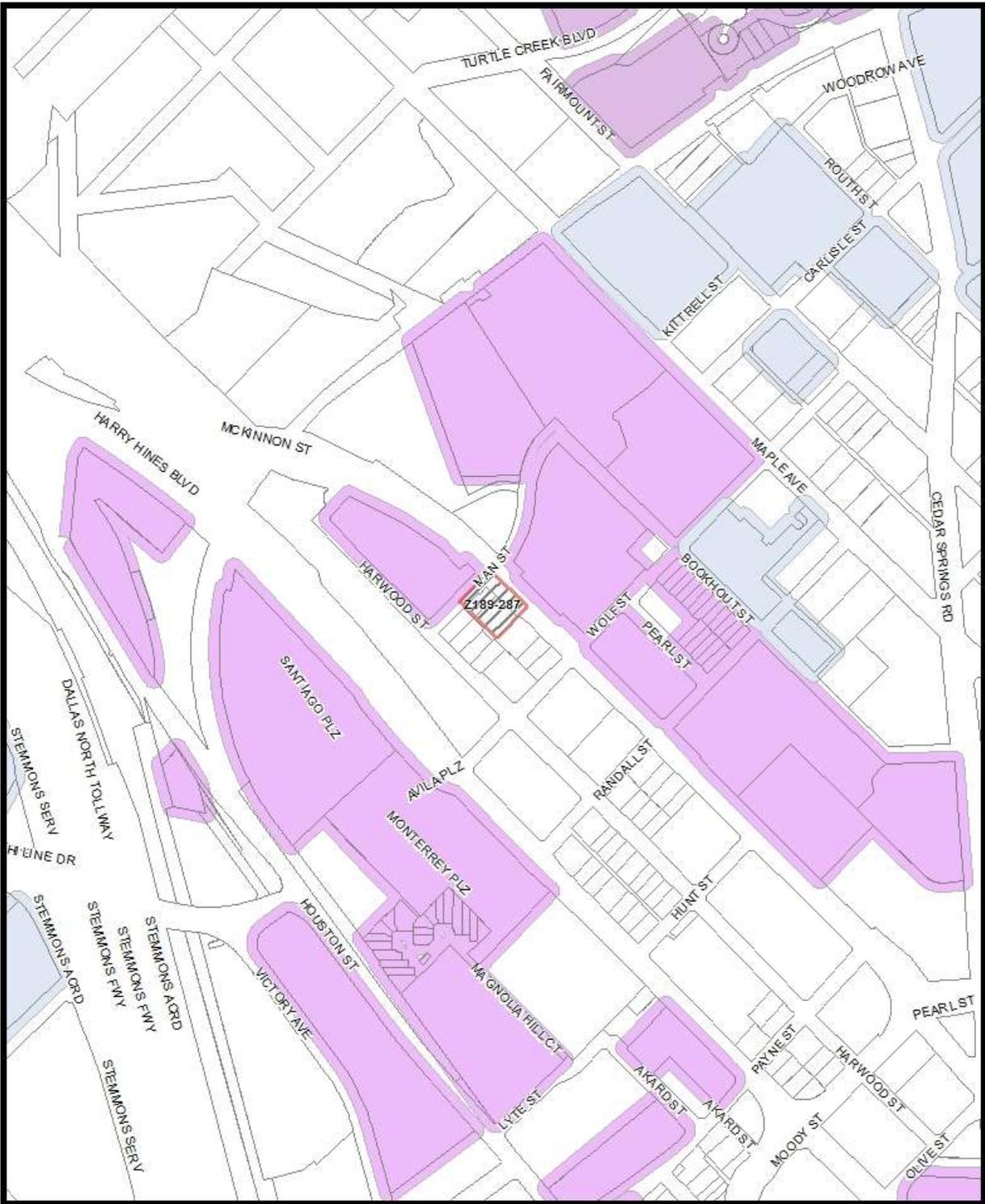
AERIAL MAP

Case no: Z189-287

Date: 10/21/2019







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

1:4,800

Market Value Analysis

Printed Date: 10/21/2019

01/08/2020

Reply List of Property Owners***Z189-287******148 Property Owners Notified 4 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3015 MCKINNON ST	ONE HARWOOD BLVD LTD
O	2	3009 MCKINNON ST	ONE HARWOOD BLVD LTD
O	3	3019 MCKINNON ST	ONE HARWOOD BOULEVARD LTD
O	4	3023 MCKINNON ST	ONE HARWOOD BOULEVARD LTD
	5	3000 HARRY HINES BLVD	NORTH TEXAS PUBLIC
	6	1902 IVAN ST	3100 MCKINNON LP
	7	3130 N HARWOOD ST	ONTIVEROS GREG
	8	3130 N HARWOOD ST	UPHOFF LINDA A & BARRY J
	9	3130 N HARWOOD ST	BLEU CIEL TOWER DEVELOPMENT LTD
	10	3130 N HARWOOD ST	SETHI FAMILY TRUST THE
	11	3130 N HARWOOD ST	PONTES CRISTINA & LUCAS
	12	3130 N HARWOOD ST	FEDORKO JOHN M &
	13	3130 N HARWOOD ST	HOMWOOD PROPERTIES LLC
	14	3130 N HARWOOD ST	VAUGHN JAMES SCOTT & BRENDA
	15	3130 N HARWOOD ST	DUWAJI EMAD
	16	3130 N HARWOOD ST	GREEN SET LLC SERIES R
	17	3130 N HARWOOD ST	ALLEY ESSA K &
	18	3130 N HARWOOD ST	DUWAJI IYAD
	19	3130 N HARWOOD ST	TERRY SHAWN D
	20	3130 N HARWOOD ST	REINHARDT JEFF
	21	3130 N HARWOOD ST	WOODWARD STEVE & TERRI
	22	3130 N HARWOOD ST	GHOSH PRITAM
	23	3130 N HARWOOD ST	PADDON STEVEN &
	24	3130 N HARWOOD ST	GUNTIPALLI PRAVEEN KUMAR
	25	3130 N HARWOOD ST	KATEB MARY CAMILLE & MEHDI
	26	3130 N HARWOOD ST	SANDERS ANTHONY L & SUE B

Z189-287(PD)

01/08/2020

<i>Reply Label #</i>	<i>Address</i>	<i>Owner</i>
27	3130 N HARWOOD ST	ALLEN BRADY LEE
28	3130 N HARWOOD ST	MAGNET LLC
29	3130 N HARWOOD ST	GARCIA ISRAEL BRISENO
30	3130 N HARWOOD ST	WIGGINS PHILLIP F &
31	3130 N HARWOOD ST	TANAM LLC
32	3130 N HARWOOD ST	BOUTTE MATT &
33	3130 N HARWOOD ST	PETO GARY D & DIANE L
34	3130 N HARWOOD ST	PETO GARY D & DIANE L
35	3130 N HARWOOD ST	MOON SAMUEL S
36	3130 N HARWOOD ST	MOON DESCENDANTS 2012 TRUST &
37	3130 N HARWOOD ST	GRABHAM RICHARD H & JAN Q
38	3130 N HARWOOD ST	JOHNSON EDWARD A & MARY
39	3130 N HARWOOD ST	PATEL KIRIT N & ARCHNA
40	3130 N HARWOOD ST	INVESMART DFW LLC
41	3130 N HARWOOD ST	NILTA PROPERTY HOLDINGS LP
42	3130 N HARWOOD ST	PANDIAN PAUL & GEETHA
43	3130 N HARWOOD ST	GROJEAN THOMAS FRANCIS JR &
44	3130 N HARWOOD ST	GRILLO JOSEPH J
45	3130 N HARWOOD ST	ANDREWS STEPHEN J
46	3130 N HARWOOD ST	GENETELLI RICHARD JR
47	3130 N HARWOOD ST	BLANKENSHIP BILL
48	3130 N HARWOOD ST	HUMPHREYS DANIEL STUART
49	3130 N HARWOOD ST	PEMBERTON MATTHEW A &
50	3130 N HARWOOD ST	VALZ JONATHAN & JAMIE
51	3130 N HARWOOD ST	STEPHANIAN EDIC & KERRIE
52	3130 N HARWOOD ST	RIGLEY NOEL J & PRATIKSHA
53	3130 N HARWOOD ST	DENNIS & ANGELA MULLAHY 2017
54	3130 N HARWOOD ST	COLON RAMON ESTEBAN &
55	3130 N HARWOOD ST	FUSCO MANAGEMENT TRUST
56	3130 N HARWOOD ST	KARNABY ZIAD M
57	3130 N HARWOOD ST	STEVENS FAMILY 2011 REVOCABLE TRUST

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3130 N HARWOOD ST	FLORIN COMPANY LTD
	59	2201 WOLF ST	COBB MOLLY J
	60	2201 WOLF ST	MOORE MALIA & STEVEN GANNON &
	61	2201 WOLF ST	SOHN TED
	62	2201 WOLF ST	MEADE KRISTYN L
	63	2201 WOLF ST	OVERTON KATHERINE
	64	2201 WOLF ST	HARPER HOLLY
	65	2201 WOLF ST	FLEMING JEFFREY H
	66	2201 WOLF ST	MIKKILINENI ANUPAMA
	67	2201 WOLF ST	BIGELOW CHRISTOPHER
	68	2201 WOLF ST	KEELER DOCTOR
	69	2201 WOLF ST	PG ALPHA LLC
	70	2201 WOLF ST	SALAZAR MONICA
	71	2201 WOLF ST	HOFKER BEATRIX
	72	2201 WOLF ST	LUU MYDA
	73	2201 WOLF ST	TRORB INC
	74	2201 WOLF ST	DEMELO BRUNO BANDEIRA
	75	2201 WOLF ST	THOMAS CHRISTINA M
	76	2201 WOLF ST	LEEDS JESSICA BONNIE
	77	2201 WOLF ST	KUBICKI ROBERT P
	78	2201 WOLF ST	LE BETSY
	79	2201 WOLF ST	BARANSI RAMZI
	80	2201 WOLF ST	NECKELS JOHN PAUL
	81	2201 WOLF ST	BIDA DAN F
	82	2201 WOLF ST	SULLIVAN PATRICK E
	83	2201 WOLF ST	NEMATI MEHDI & SHAHIN
	84	2201 WOLF ST	BUNN IAN
	85	2201 WOLF ST	KIM JUNG O
	86	2201 WOLF ST	MANCENIDO PATRICK
	87	2201 WOLF ST	RAJAGOPALAN SRIDHARAN &
	88	2201 WOLF ST	SHAPOURI AZIZOLLAH

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2201 WOLF ST	SMITH NATALIE
	90	2201 WOLF ST	BREKKE CORTNEE E
	91	2201 WOLF ST	PEARSON REBECCA NORTHERN
	92	2201 WOLF ST	BROEKHOFF KATELYN & RYAN
	93	2201 WOLF ST	VOISSEM MEGAN & PHILIP
	94	2201 WOLF ST	BENNY R VALEK 401K PLAN
	95	2201 WOLF ST	KARIMI AKHTAR
	96	2201 WOLF ST	PARK JUSTIN & SAMANTHA
	97	2201 WOLF ST	DIAZ SAMUEL
	98	2201 WOLF ST	KINDRED INVESTMENTS INC
	99	2201 WOLF ST	PRUNISKI LINDSAY ANN
	100	2201 WOLF ST	PUPKO INVESTORS LLC
	101	2201 WOLF ST	URIOSTE JOSE RAFAEL
	102	2201 WOLF ST	NAQUIN JOSHUA P & SANJA PISAC NAQUIN
	103	2201 WOLF ST	SOLOMON COURTNEY
	104	2201 WOLF ST	LANGHENRY WILLARD H IV
	105	2201 WOLF ST	VISITACION EUNKYUNG P
	106	2201 WOLF ST	VICK JEFFREY B
	107	2201 WOLF ST	TRORB INC
	108	2201 WOLF ST	MORDECAI MATTHEW L
	109	2201 WOLF ST	HOFFMANN DONNA
	110	2201 WOLF ST	HOPSON CHRIS
	111	2201 WOLF ST	HILL JEAN
	112	2201 WOLF ST	PHAN JENNY
	113	2201 WOLF ST	EDIGER BENJAMIN NEAL &
	114	2201 WOLF ST	MOORE KELLY ANNE
	115	2201 WOLF ST	BRILL BRIAN ERIC & KELLY MOORE
	116	2201 WOLF ST	WANG RUINA
	117	2201 WOLF ST	DAVIDSON DUSTIN A
	118	2201 WOLF ST	GANT MADELINE J
	119	2201 WOLF ST	CAVAZOS CORINA A

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	2201 WOLF ST	LASSEN ANN ALIZABETH &
	121	2201 WOLF ST	KJT GROUP
	122	2201 WOLF ST	EDWARDS RODERICK
	123	2201 WOLF ST	SMITH MELODY
	124	2201 WOLF ST	WULKE NICHOLAS
	125	2201 WOLF ST	LITTLE BRADLEY C & LAURA L
	126	2201 WOLF ST	NOWICKI MILOSZ
	127	2201 WOLF ST	ROBLES CHRISTINE
	128	2201 WOLF ST	WILSON SKYE
	129	2201 WOLF ST	PENSCO TRUST CO
	130	2201 WOLF ST	SAM JANAY M
	131	2201 WOLF ST	SOURS MELODY
	132	2201 WOLF ST	AKINTOLA OMOLOLA E &
	133	2201 WOLF ST	ADDO TAYO A
	134	2201 WOLF ST	CARADONNA NICHOLAS
	135	2201 WOLF ST	KORB RONALD DEAN & NICKI
	136	2201 WOLF ST	BEADLING PETER J & CAROLYN P
	137	2201 WOLF ST	RAMEY ISABEL ZAINA
	138	2201 WOLF ST	TERRY TODD
	139	2201 WOLF ST	REEVES GEORGE WP
	140	2201 WOLF ST	RUIZGARCIA ERIKA PATRICIA
	141	2201 WOLF ST	YAZHARI MONA &
	142	2201 WOLF ST	MEHTA SATISH & HEMLATA
	143	2201 WOLF ST	KEITH KRISTY
	144	2201 WOLF ST	CULLUM PAMELA G
	145	2201 WOLF ST	ROY DAVE A
	146	2201 WOLF ST	OSBURN KEVIN A
	147	2201 WOLF ST	KOUZBARI MAHMOOD
	148	2201 WOLF ST	OUZTS SUSAN &