

FILE NUMBER: Z223-314(WK) **DATE FILED:** July 20, 2023

LOCATION: Northeast corner of South Buckner Boulevard and Kipling Drive

COUNCIL DISTRICT: 5

SIZE OF REQUEST: Approx. 4.42 acres **CENSUS TRACT:** 48113011701

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: What's Hot Fund World, LTD

APPLICANT: Promotions Iguana, LLC

REQUEST: An application for an amendment to Specific Use Permit No. 1730 for an alcoholic beverage establishment to be used as a private club bar, on property zoned Subarea 4 within Planned Development District No. 366, Buckner Special Purpose District, with a D-1 Liquor Control Overlay

SUMMARY: The purpose of the request is to continue to allow an alcoholic beverage establishment to be used as a private club bar.

CPC RECOMMENDATION: Approval for a two-year period, subject to amended site plan and conditions.

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

BACKGROUND INFORMATION:

- The area of the request is zoned Subarea 4 within Planned Development District No. 366, the Buckner Special Purpose District and IM Industrial Manufacturing District, with a D-1 liquor control overlay.
- SUP No. 1730 was originally approved by City Council on October 22, 2008.
- The request is to renew the existing SUP, which expired on October 24, 2023. The applicant missed the window for an automatic renewal.
- The code defines a private club bar use as an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.
- The lot has frontage on both South Buckner Boulevard and Kipling Drive.

Zoning History:

There have been three zoning case in the area in the past five years.

1. **Z212-351:** On February 6, 2023, City Council approved a renewal to SUP No. 1850 for the sale of alcoholic beverages in conjunction with general merchandise or food store 3500 sq ft or less on a site located at the southeast corner of Elam Road and S Buckner Boulevard.
2. **Z212-242:** On Wednesday, October 12, 2022, City Council approved SUP No. 2469 for the sale of alcoholic beverages in conjunction with general merchandise or food store 3500 sq ft or less on the southeast corner of Elam Road and Pleasant Drive.
3. **Z201-218:** On October 13, 2021, City Council approved SUP No 2427 for the sale of alcoholic beverages in conjunction with general merchandise or food store 3500 sq ft or less on the northeast corner of Elam Road and S Buckner Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Buckner Boulevard	Principal Arterial	107'
Kipling Dr	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 will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PD No. 366, Subarea 4, IM	Alcoholic beverage establishment
North	PD No. 366, CR	General merchandise store; Distribution; Vacant
West	PD No. 366, Subarea 4	DART Station
South	PD No. 366, IM	Post Office
East	R 7.5(A)	Single Family

Land Use Compatibility:

The request site is within a Subarea 4 within Planned Development District No. 366 and within IM Industrial Manufacturing District and is currently occupied by the applicant. Both of these districts permit alcoholic beverage establishments to be used as a private club bar uses with a specific use permit.

Other uses surrounding the area of request include general merchandise and distribution uses to the north, a DART station to the west, a post office to the south, and single family uses to the east. The applicant's use of the site is generally complimentary to other developments along the South Buckner Corridor.

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. The applicant is not proposing any changes to the site. Staff is recommending approval of the time period as the use exists in its current form and has remained unchanged since its approval in 2008.

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Per the Dallas Development Code, the off-street parking requirement for the alcoholic beverage establishments being uses as a private club bar use is 0.3 spaces per bed. The site is required to provide 34 parking spaces, and the site provides 39 parking spaces.

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

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strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is currently in an "G" MVA area.

List of Officers

Promotions Iguana, LLC

Alfredo Hinojosa, President
Gabriela Rodriguez, Operator / Manager

What's Hot Fun World, LTD
Robert Milligan, Director

CPC Action
May 2, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1730 for a two-year period, subject to site plan and conditions, for an alcoholic beverage establishment to be used as a private club bar on property zoned Subarea 4 within Planned Development District No. 366, the Buckner Special Purpose District and an IM Industrial Manufacturing District, with a D-1 Liquor Control Overlay, on the northeast corner of South Buckner Boulevard and Kipling Drive.

Maker: Shidid
Second: Housewright
Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Eppler, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 17
Replies: For: 0 Against: 0

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

**CPC RECOMMENDED
PROPOSED SUP NO. 1730 CONDITIONS**

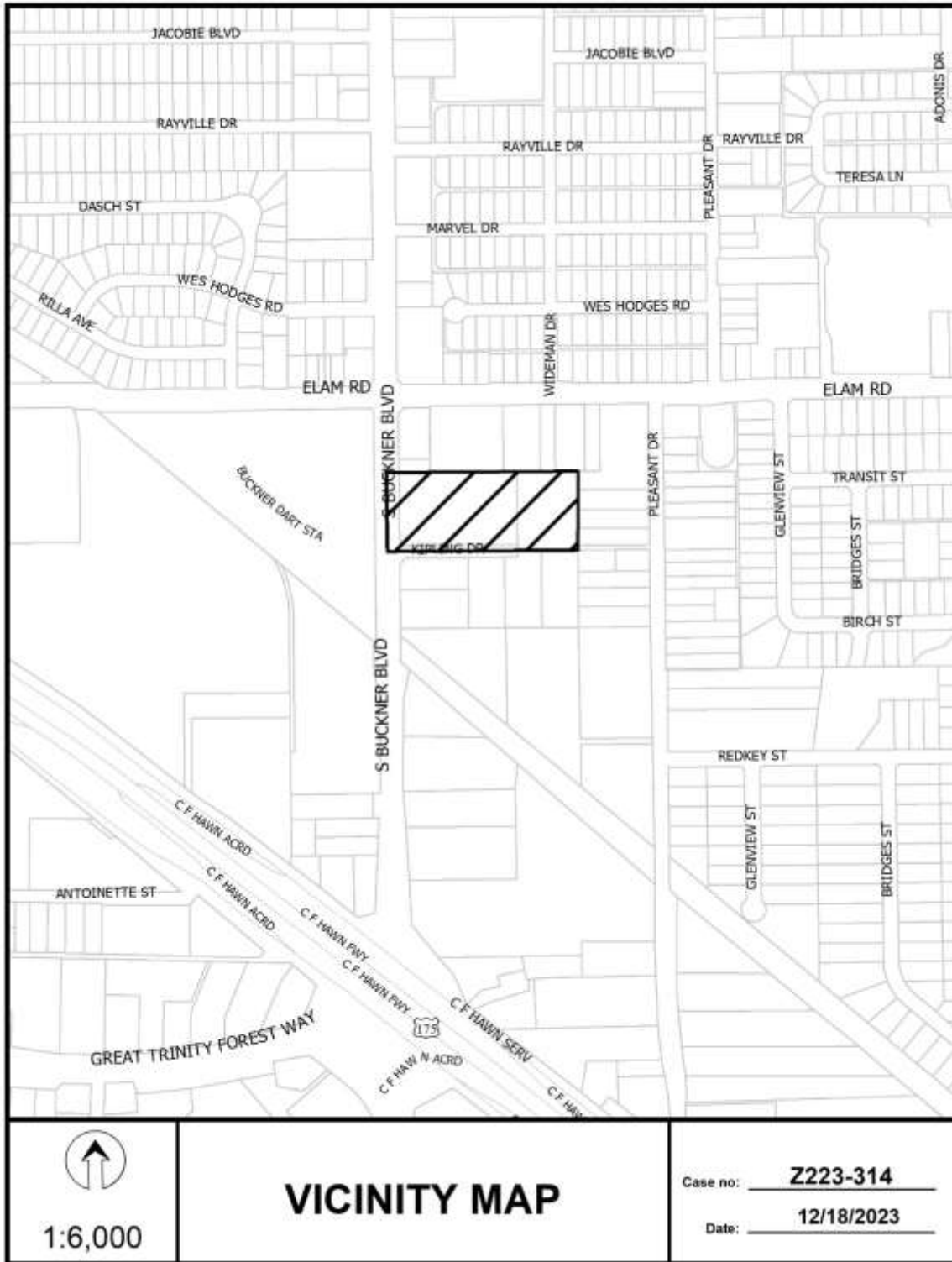
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment to be used as a private-club bar.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit terminates on ~~October 22, 2008~~ [two years from the passing of this ordinance].

Staff Recommendation

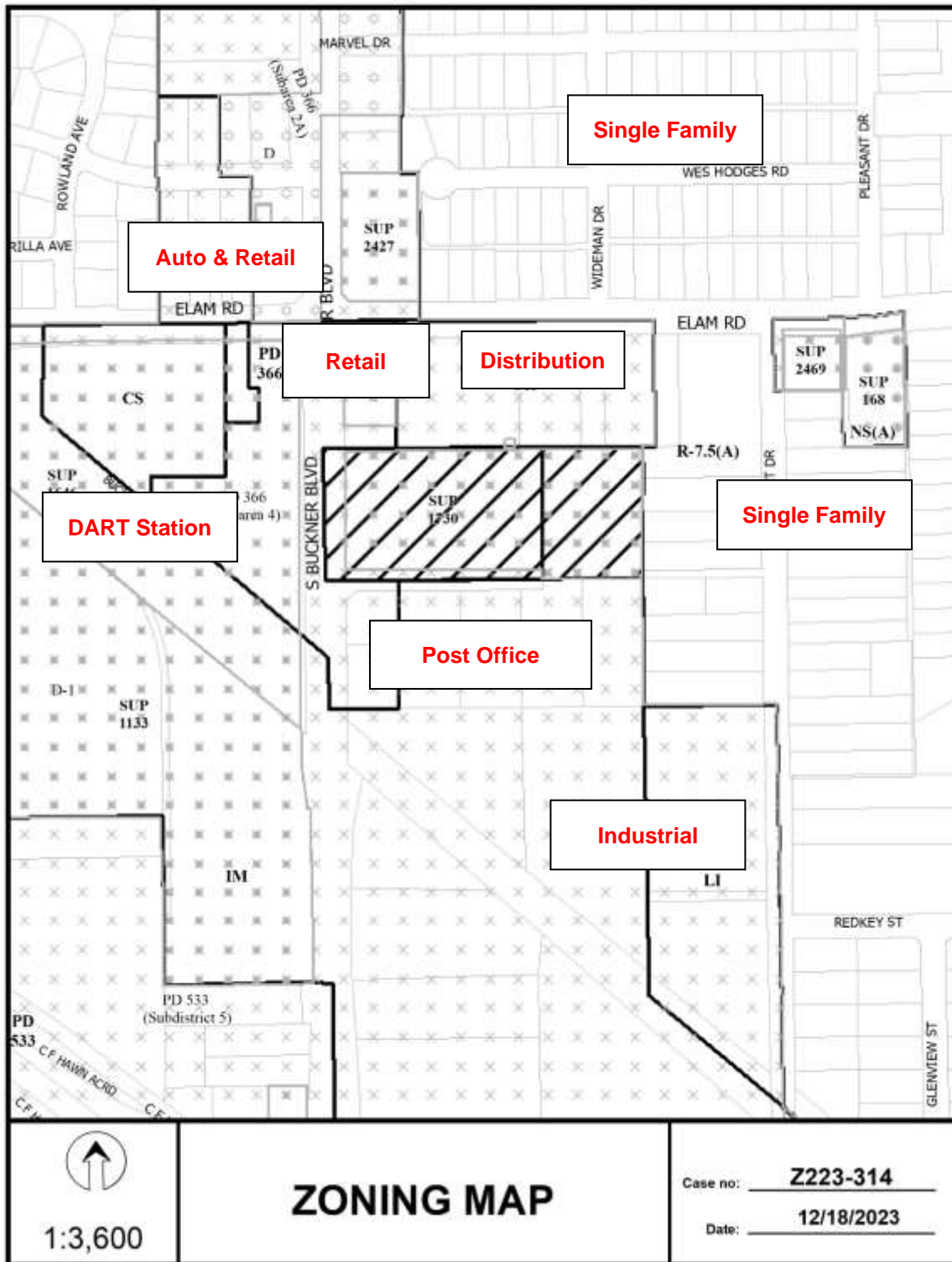
4. TIME LIMIT: This specific use permit automatically terminates on ~~October 22, 2008~~ [three years from the passing of this ordinance], but is eligible for automatic renewal for additional three-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic 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.

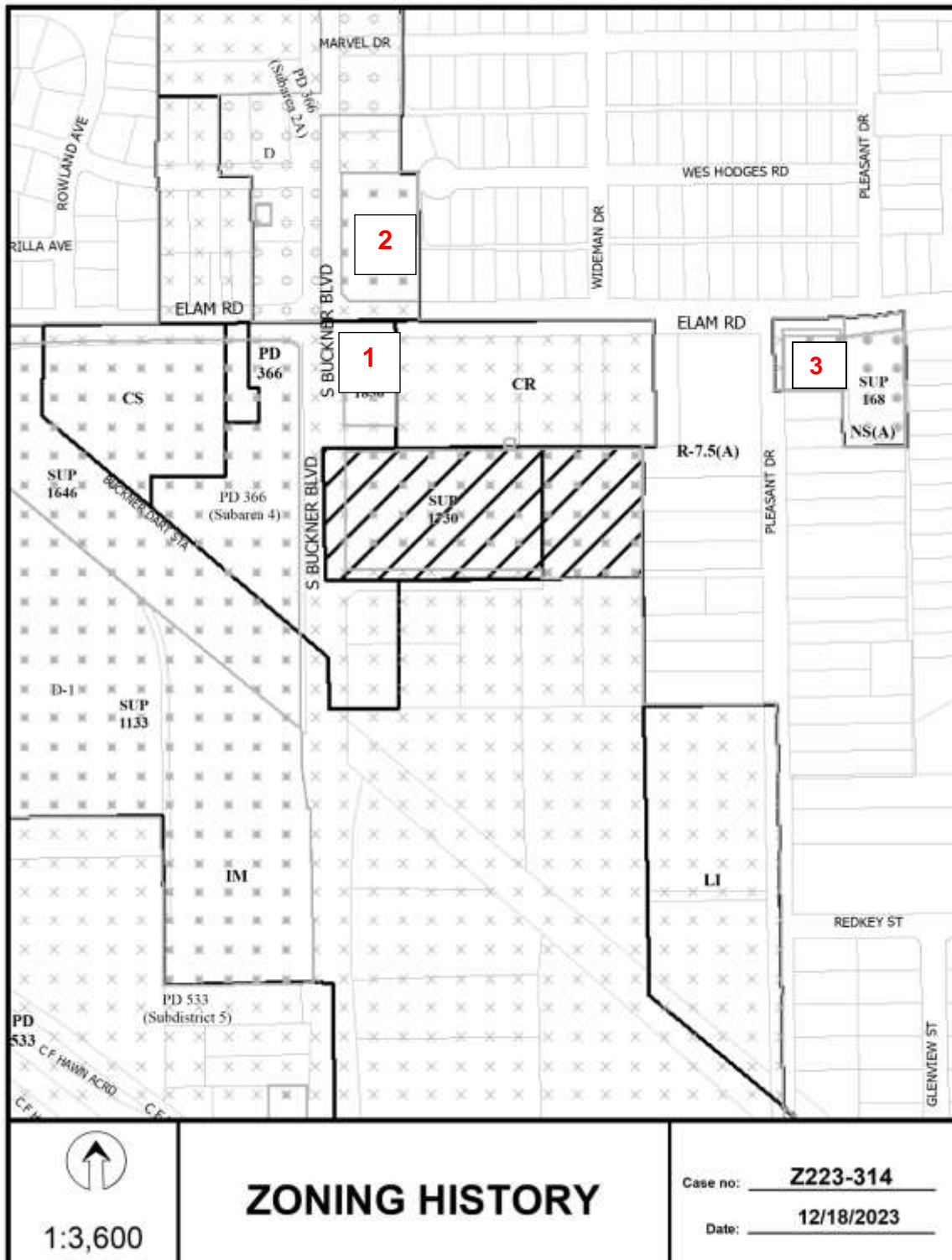
5. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended. A minimum landscape buffer of 10 feet must be maintained on the eastern property line. Trees must be provided in accordance with the landscape buffer requirements of Article X.
6. FLOOR AREA: The maximum floor area is 33,000 square feet.
7. HOURS OF OPERATION: The alcoholic beverage establishment to be used as a private-club bar may only operate between 11:00 a.m. and 12:00 a.m. (midnight), Sunday through Thursday and 11:00 a.m. and 2:00 a.m. (the next day), Friday through Saturday.
8. INGRESS AND EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is allowed.
9. ON-SITE SECURITY: When the alcoholic beverage establishment to be used as a private club is operating, a minimum of two security guards must be provided on site after 9:00 p.m. The security guards must monitor the Property and required parking areas.
10. PARKING LOT LIGHTING: All parking lot light fixtures within 250 feet of the eastern property line must be full cutoff fixtures mounted so light is contained onsite and does not cross a property line. The maximum height of light fixtures is 30 feet. No light fixture may be located within 40 feet of the eastern property lines.

11. SCREENING: A six-foot-high solid screening fence must be provided along the eastern boundary of the Property, as shown on the site plan.
12. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
13. 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.



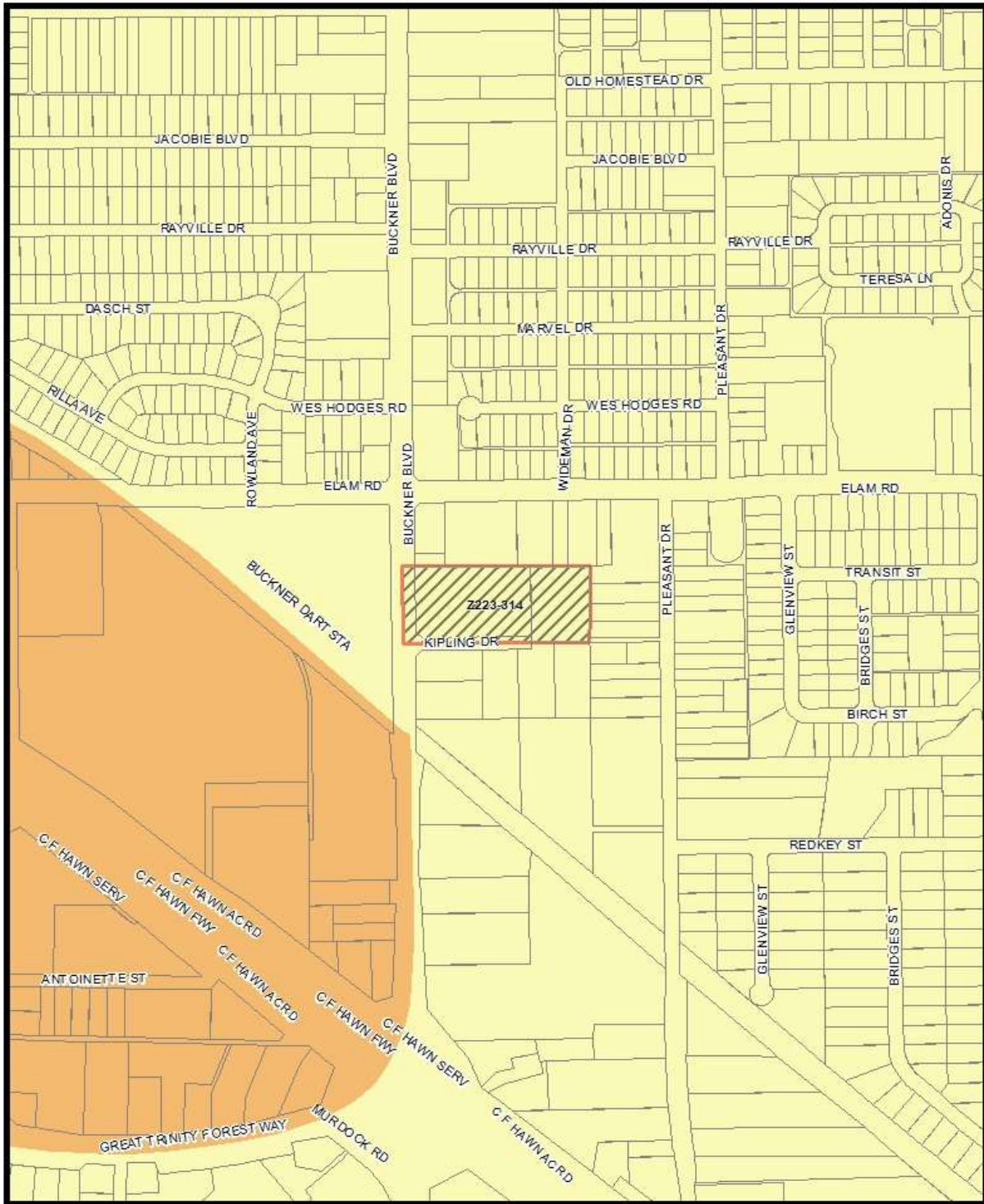






ZONING HISTORY

Case no: Z223-314
Date: 12/18/2023



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

 1:6,000

Market Value Analysis

Printed Date: 12/21/2023



17	Property Owners Notified (24 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
5/2/2024	Date

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CPC



1:3,600

05/01/2024

Reply List of Property Owners

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17 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	400	S BUCKNER BLVD	WHATS HOT FUND WORLD LTD
2	8106	KIPLING DR	MILLIGAN ROBERT K
3	426	S BUCKNER BLVD	PREECE & PREECE INC
4	8114	ELAM RD	SOUTHWESTERN BELL
5	8202	ELAM RD	AMDAS LLC
6	8214	ELAM RD	MILLIGAN ROBERT
7	8238	ELAM RD	IGLESIA BAUTISTA NUEVA
8	411	PLEASANT DR	BELTRAN MARTIN &
9	405	PLEASANT DR	AGUILAR PRISCILLA M
10	415	PLEASANT DR	CASTANEDA JOSE
11	316	S BUCKNER BLVD	U S POSTAL SERVICE
12	351	PLEASANT DR	BUSSELL FAMILY LIVING TRUST
13	363	PLEASANT DR	Taxpayer at
14	343	PLEASANT DR	BUSSELL JAMES P
15	8008	ELAM RD	DALLAS AREA RAPID TRANSIT
16	440	S BUCKNER BLVD	ELAM CROSSING LP
17	363	PLEASANT DR	BUSSELL PHILLIP B