

CITY PLAN COMMISSION

THURSDAY, MAY 2, 2024

Planner: Liliana Garza

FILE NUMBER: Z234-107(LG) **DATE FILED:** October 3, 2023

LOCATION: Intersection of McKinney Avenue and Harvard Avenue (north of Monticello Avenue, west of North Central Expressway)

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 13,448 sq ft **CENSUS TRACT:** 48113000706

REPRESENTATIVE: Tommy Mann, Winstead

OWNER: SLR 4919 McKinney, LLC

APPLICANT: TMF, LLC

REQUEST: An application for an amendment to Specific Use Permit No. 2436 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service and a retail food store on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D-1 Liquor Control Overlay and deed restrictions [Z201-315].

SUMMARY: The purpose of the request is to allow the expansion of the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service and a retail food store.

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

BACKGROUND INFORMATION:

- The request site is currently undeveloped but is under construction.
- The property is located within Planned Development District No. 193.
- On January 12, 2022, the City Council approved an application for (1) a D-1 Liquor Control Overlay District, and (2) a Specific Use Permit No. 2436 for the sale of alcoholic beverages in conjunction with a restaurant without a drive-in or drive-through service or retail food store for a three-year period with consideration for deed restrictions volunteered by the applicant.
- PD No. 193 defines “retail food store” as an establishment for display and retail sale of foods and associated items.
- The applicant is proposing to amend the SUP No. 2436 site plan by increasing the existing plan square footage from 3,790 square feet to 4,722 square feet. The revised site plan will also include a crosswalk across an ingress/egress point to improve walkability and pedestrian access.

Zoning History:

There has been one zoning case in the area in the last five years.

1. **Z201-315:** On January 12, 2022, the City Council approved an application for 1) a D-1 Liquor Control Overlay District; and 2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service or a retail food store for a three-year period with consideration for deed restrictions volunteered by the applicant. [Subject property]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
McKinney Avenue	Minor Arterial	60 feet to 80 feet BIKE PLAN
Harvard Avenue	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 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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

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 ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTH 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 district, linkage, and area.

GOAL 5.3 ESTABLISHING 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	PD 193 (LC), "D-1" Liquor Control Overlay District	Undeveloped
North	PD 193 (LC), "D" Liquor Control Overlay District	Medical clinic, multiple family

East	PD 193 (LC)	Warehouse
South	PD 193 (LC)	Office, multiple family (under construction)
West	PD 193 (LC)	Office

Land Use Compatibility:

The area of request is currently undeveloped and is zoned LC Subdistrict within PD 193, with a D-1 Liquor Control Overlay and has deed restrictions [Z201-315]. The applicant has requested that the existing deed restrictions not be amended nor terminated. The area to the north includes a dental office and multifamily. To the east of this site is a mini-storage facility. To the southwest of this site are office buildings. The site southeast of this site is under construction of a multifamily development.

The applicant requests to amend the existing site plan of SUP No. 2436 by increasing the square footage from 3,790 square feet to 4,722 square feet. The revised site plan will include a crosswalk across an ingress/egress point to improve walkability and pedestrian access. The sale of alcohol would not be a primary use and would only be allowed in conjunction with the uses listed on the SUP conditions. The proposed site would serve nearby residential uses in the area and other areas as well. It would allow a mix of uses and would be an addition to the live, work, play environment that currently exists.

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 amendment of SUP No. 2436; however, not the time frame of five years with eligibility for automatic renewals for five-year period as requested by the applicant.

Staff recommends a timeframe of three years as it will allow staff to evaluate if the site is compliant within a short period of time.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development code, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant without a drive-through service is one space per 100 square feet. Additionally, the off-street parking requirement for a retail food store is one space per 200 square feet. Based on the 982 square feet proposed for restaurant use, 10 parking spaces are required. Based on the 3,740 square feet proposed for retail food store use, 19 parking spaces are required. A total of 29 parking spaces are required, and the applicant is providing 12 parking spaces on site as shown in the site plan. The applicant states they will be providing remote parking north of the site via a parking agreement. A note with this language is included on the site.

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 currently not within an MVA area. To the northwest is a "C" MVA area.

Crime Report:

Since January 2022, the subject site has experienced 3 phone calls to the Dallas Police Department (DPD).

Calls (Summary)	
Problem	Count of Problem
12B - Business Alarm	3
Grand Total	3

List of Officers

TMF, LLC

Lauren van Wagenen (Manager)

Edward Rhyne (Manager)

SLR 4919 McKinney, LLC

Douglas G. chestnut (President)

Thomas B. Bakewell (Vice President)

Roger Beless (Vice President)

Case Killgore (Vice President)

EXISTING DEED RESTRICTIONS
(NO CHANGES)

1. For a use operating with a specific use permit:

- A. HOURS OF OPERATION.

- i. A restaurant without drive-in or drive-through service use may only operate between 9:00 a.m. and 11:00 p.m., Monday through Sunday.
 - ii. A retail food store may only operate between 7:30 a.m. and 8:00 p.m., on Sunday.

- B. AMPLIFIED SOUND: The use of outdoor amplified sound system is prohibited after 9:00 p.m., Monday through Sunday. The use of outdoor amplified sound system is also prohibited prior to 5:00 p.m., Monday through Friday.

- C. UNOBSTRCTED SIDEWALKS: Required sidewalks must be unobstructed.

PROPOSED CONDITIONS

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

Staff Recommendation:

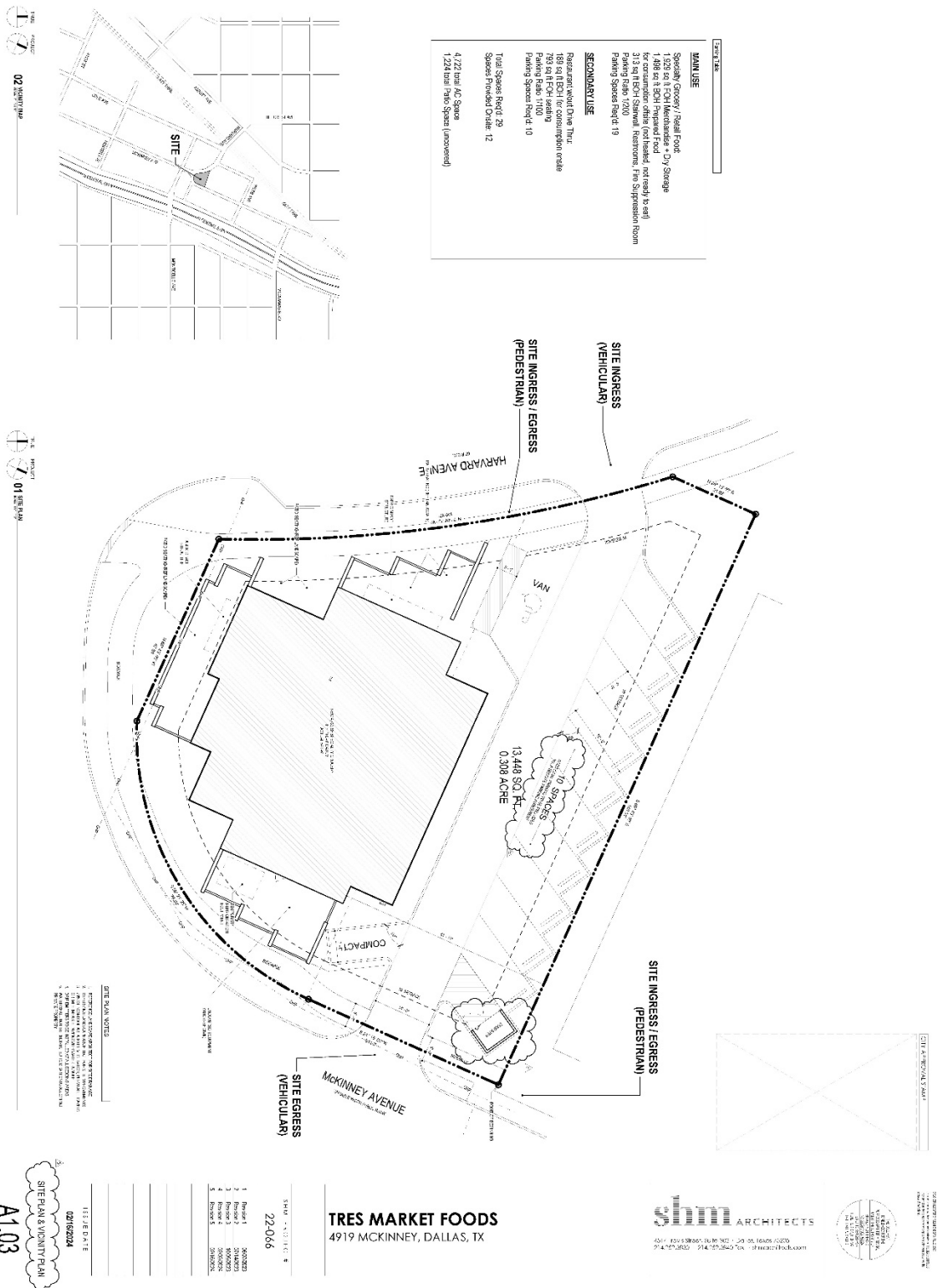
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance.

Applicant's Request:

3. TIME LIMIT: This specific use permit expires on (five-years from 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 applications for automatic renewal is strictly enforced.)

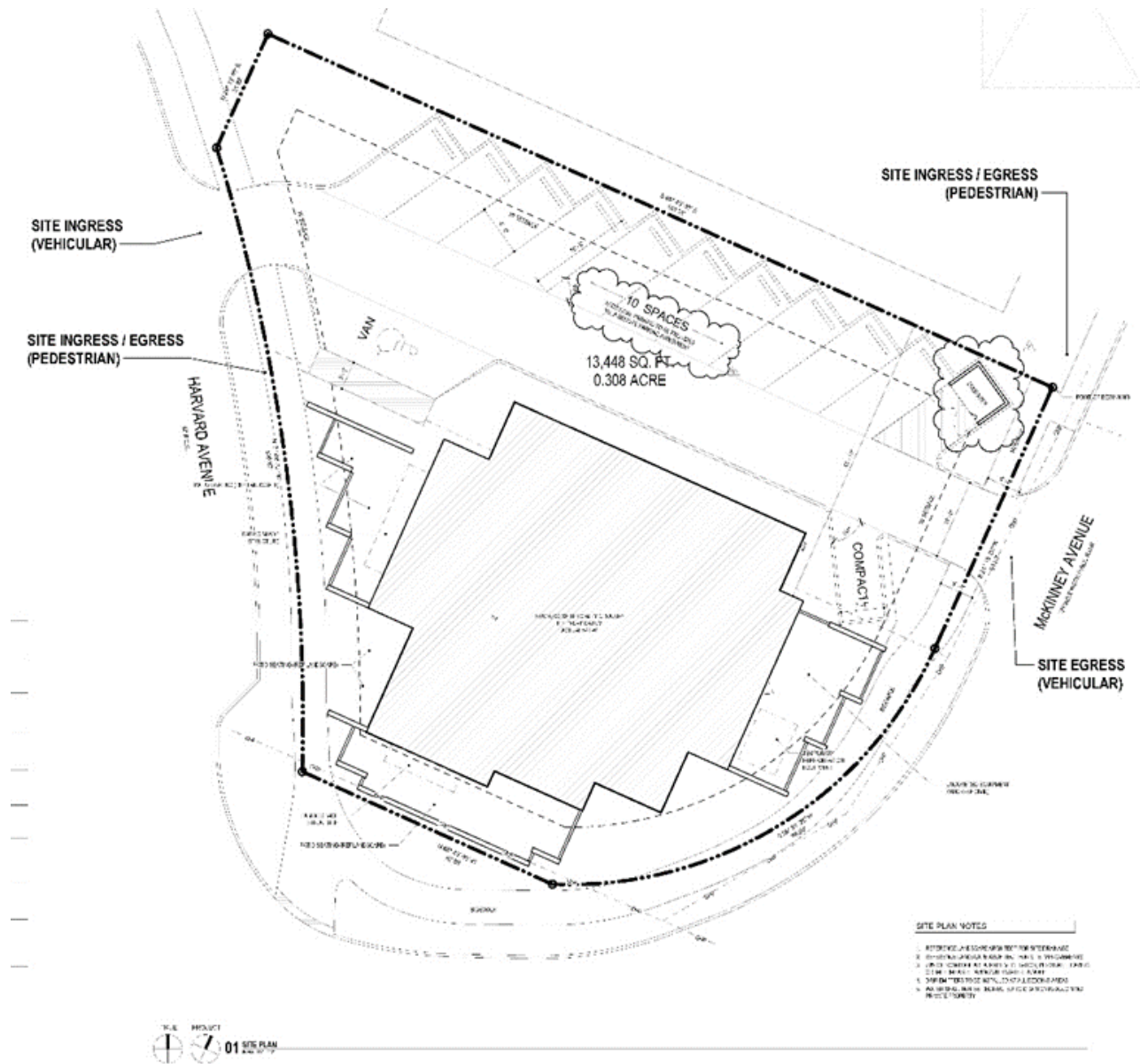
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

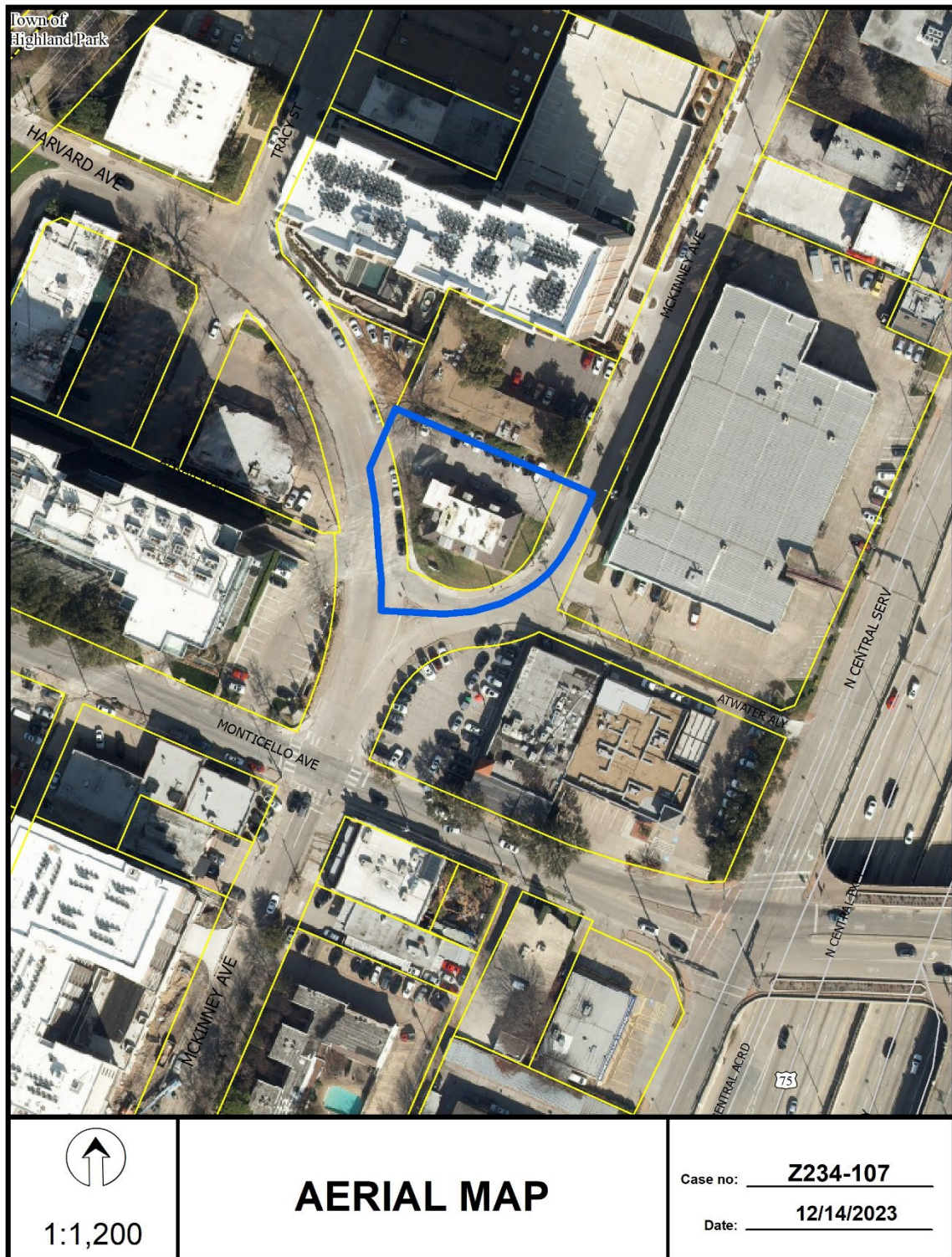


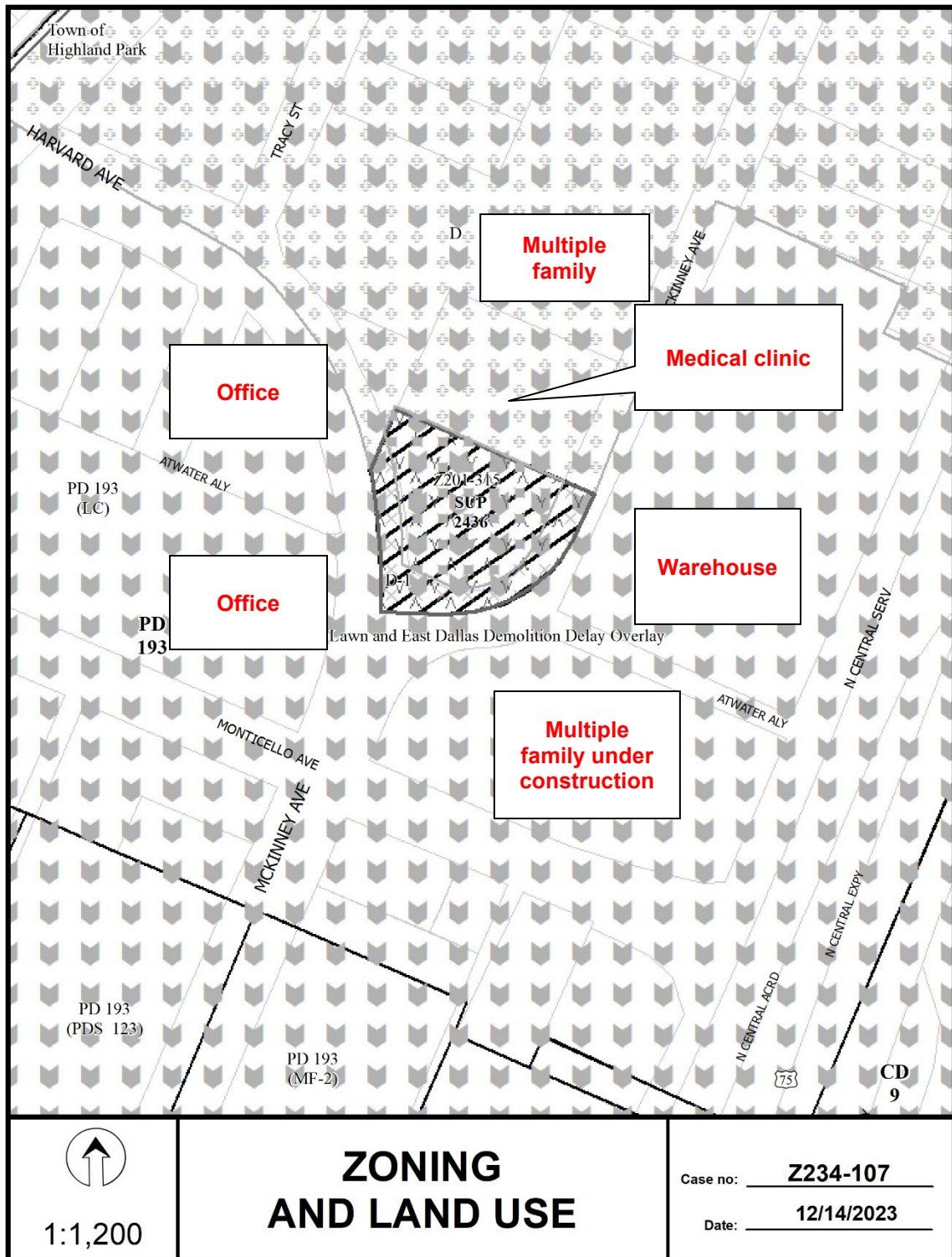
PROPOSED SITE PLAN

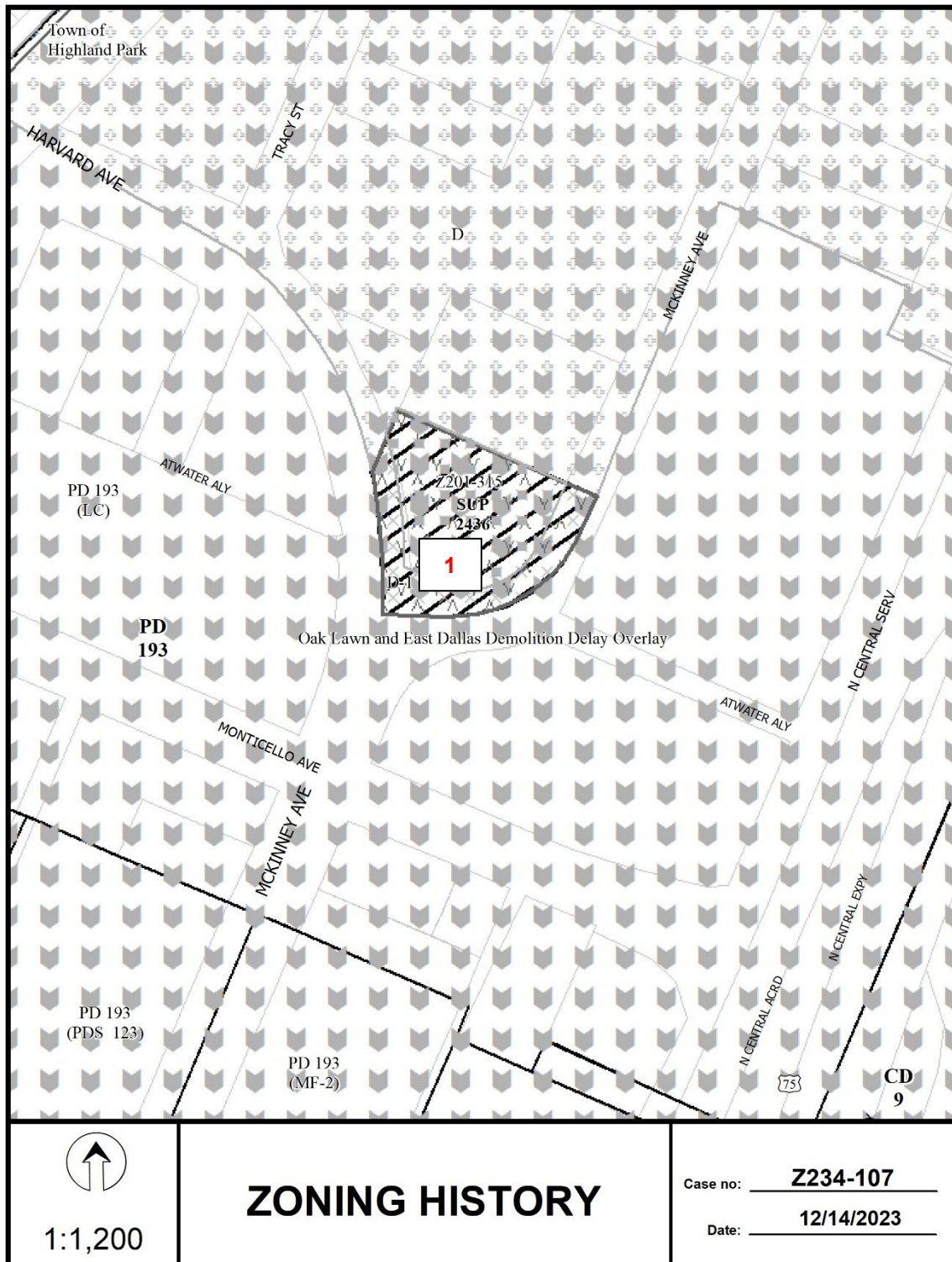
(Enlarged)

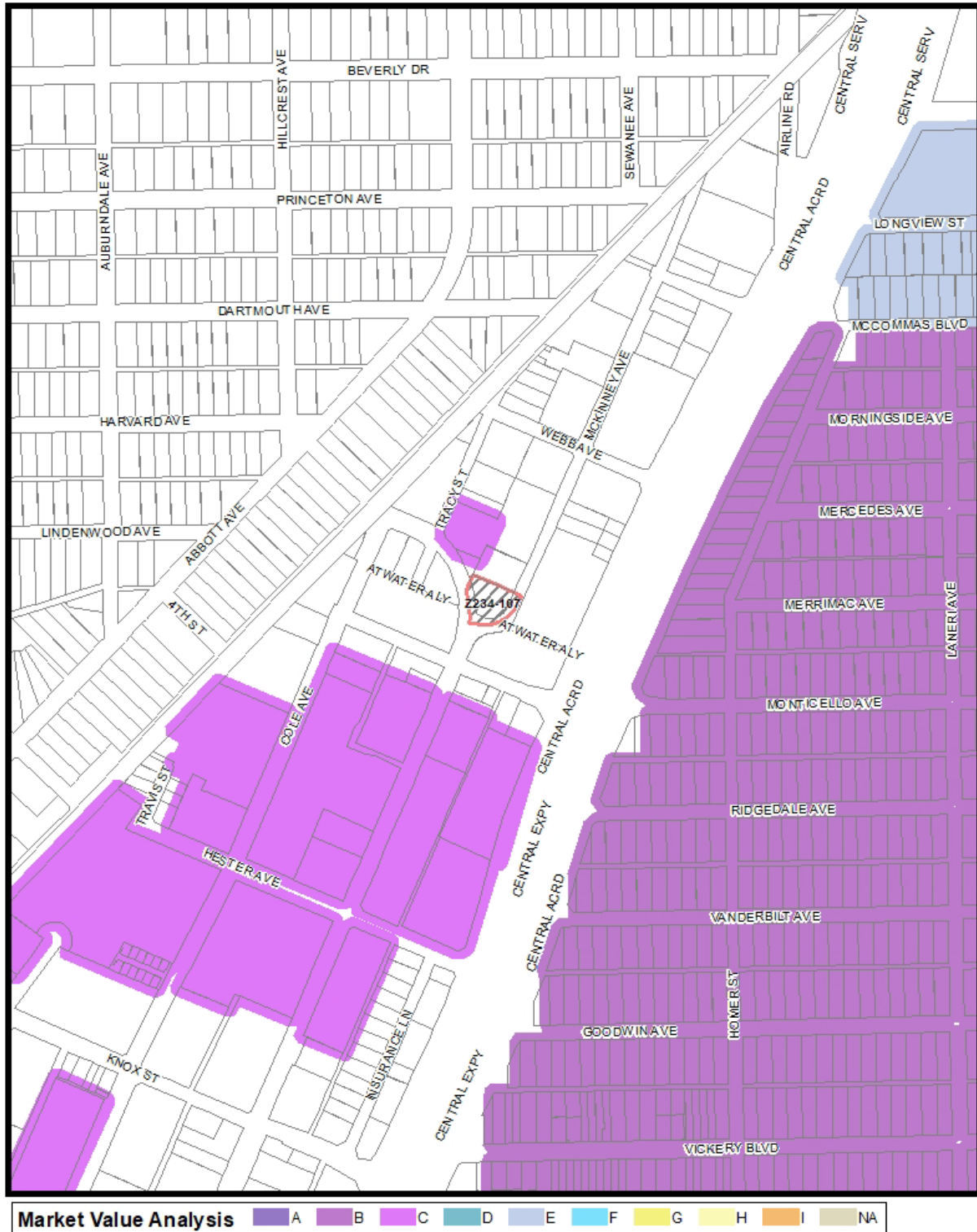








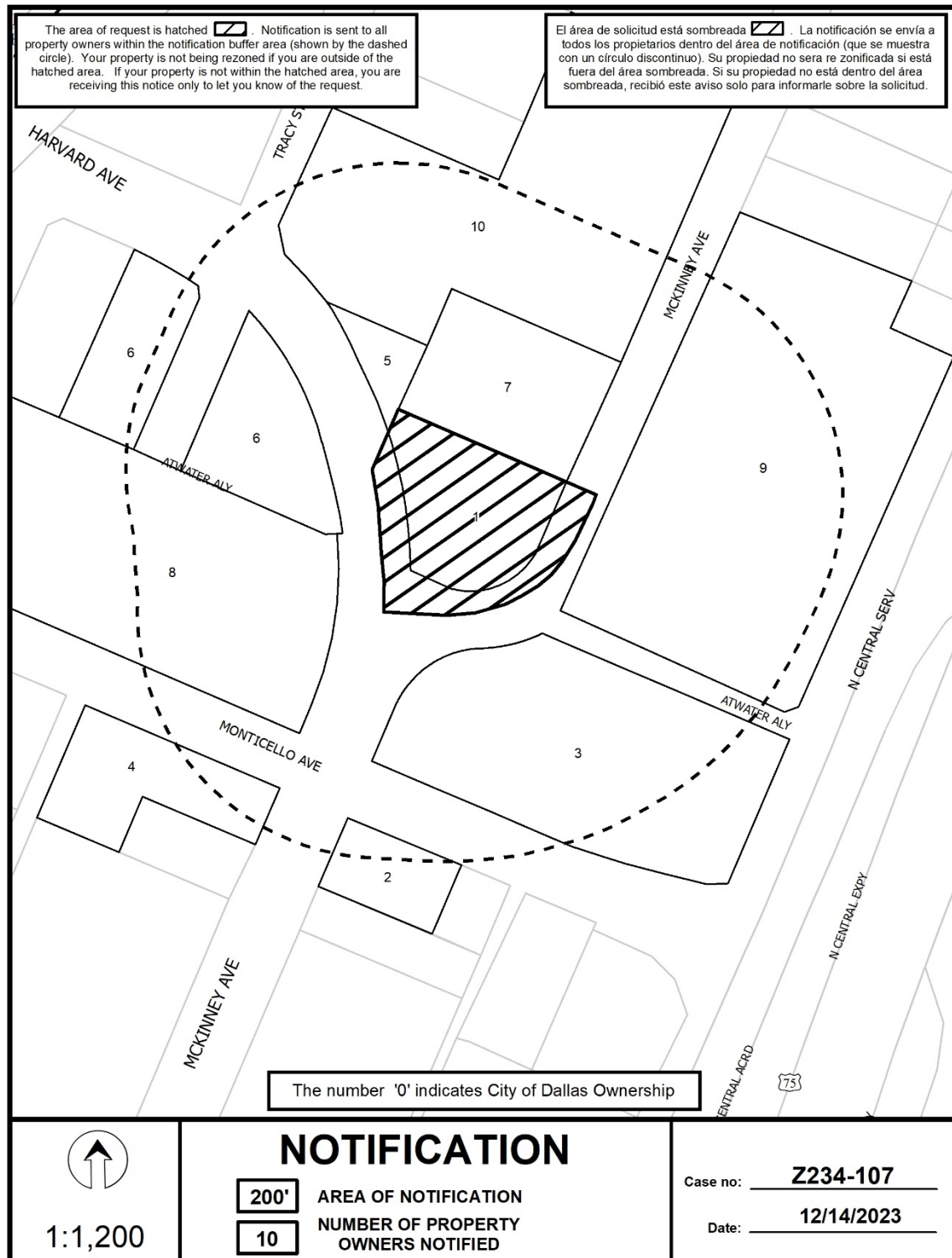




1:4,800

Market Value Analysis

Printed Date: 12/14/2023



12/13/2023

Notification List of Property Owners

Z234-107

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4919 MCKINNEY AVE	SLR 4919 MCKINNEY LLC
2	4830 MCKINNEY AVE	RAB MCKINNEY LLC
3	4900 MCKINNEY AVE	4900 MCKINNEY OWNER LLC
4	3111 MONTICELLO AVE	DALLAS 3111 LP
5	4920 TRACY ST	BANKERS LIFE INS CO
6	3130 HARVARD AVE	GUTIERREZ JAVIER
7	4925 MCKINNEY AVE	BANKERS LIFE INS CO
8	3100 MONTICELLO AVE	DALLAS 3100 LP
9	4920 MCKINNEY AVE	ESS PRISA II TX LP
10	3140 HARVARD AVE	STREETLIGHTS RESIDENTIAL