

FILE NUMBER: Z189-351(JM) **DATE FILED:** September 11, 2019
LOCATION: Southeast corner of Commerce Street and Browder Street
COUNCIL DISTRICT: 14 **MAPSCO:** 7 J
SIZE OF REQUEST: ± 5,142 square feet **CENSUS TRACT:** 31.01

APPLICANT: Bradley Eubanks, Pegasus City Brewery

OWNER: DPL Loan Holdings, LLC

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building.

SUMMARY: The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level.

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

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

BACKGROUND INFORMATION:

- Planned Development District No. 619 was created on June 12, 2002, as a result of several public and private studies that developed retail strategies for the CBD area and promoted the Downtown core as a “full time” activity area. Moreover, the goal was to encourage the development of retail and personal service uses in the area and create a mixed-use urban activity center.
- PD No. 619 contains 34 acres of land divided into 11 subdistricts, including vertical subdistricts at, below, and above street level. A Specific Use Permit is required for an alcoholic beverage establishment use limited to a microbrewery, distillery, or winery use to operate on the upper and lower levels of a building.
- The subject site is developed with the historic Dallas Power and Light Building, circa 1903. The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level, which requires an SUP in Subdistrict A (street level).

Zoning History: There have been five zoning cases within proximity of the subject site within a five-year time period.

1. **Z189-346:** An application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the north line of Commerce Street, west of Ervay Street. *Under ongoing staff review.*
2. **Z189-298:** On October 23, 2019, City Council approved the renewal of Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2025 for a personal service use limited to a spa, located on the south line of Main Street, west of South Ervay Street.
3. **Z189-147:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on the southeast corner of Commerce Street and Lane Street.
4. **Z189-146:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property generally bound by Commerce Street, South Ervay Street, Jackson Street, and Lane Street.
5. **Z178-124:** On February 14, 2018, City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign on property generally located on the north side of Main Street, east of North Akard Street.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|----------------------------|----------------|---------------------|---------------------|
| Commerce Street | Major Arterial | 80 feet | 80 feet |
| Browder Street | Local | 50 feet | 50 feet |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

STAFF ANALYSIS

Comprehensive Plan:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Downtown Building Block.

The applicant's request complies with the following goals and policies of the comprehensive plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.3 Build a dynamic and expanded Downtown

ECONOMIC DEVELOPMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas

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 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city’s significant districts, linkages and areas.

The applicant’s proposal to operate an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use meets goals related to business expansion and retention within the Downtown area. Additionally, the newly renovated and uncovered outdoor patio will enhance the pedestrian experience and contribute to the character of Downtown.

Surrounding Land Uses:

| Area | Zoning within PD No. 619 | Use |
|--------------|---|---|
| Site | Subdistrict A, Historic Overlay No. 121 | Retail and personal service uses, Multifamily |
| North | Subdistrict C | Restaurants, Hotel, General merchandise or food store |
| East | Subdistrict A, Historic Overlay No. 121 | Restaurants and Hotel |
| South | Subdistrict A, Historic Overlay No. 121 | Hotel, Multifamily, Office |
| West | Subdistrict H | Restaurants |

Land Use Compatibility:

The subject site is developed with the historic Dallas Power and Light Building, circa 1903. The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level, which requires an SUP in Subdistrict A (street level).

Surrounding land uses consist of restaurants, hotel, and general merchandise or food store to the north; restaurants and hotel to the east; hotel, multifamily, and office to the south; and, restaurants to the west. An alcohol survey was provided with this request. No protected uses were identified in the vicinity.

The applicant proposes to operate a microbrewery within the historic structure. This new use will add to the variety of uses in Downtown. The newly renovated patio will offer uncovered seating and gathering at street level, further enhancing the pedestrian and Downtown experience.

Staff supports the request for an initial and preliminary period of two-years. This allows staff and the neighborhood, especially with residences within the same historic structure, to gauge the compatibility of the proposed microbrewery use.

Parking:

PD No. 619 refers to CA Central Area District standards for parking. An alcoholic beverage establishment limited to a microbrewery, distillery, or winery use in a ground-floor does not require parking, per Sec.51A-4.124(5)(B)(ii). None is provided.

Landscaping:

No landscaping is required since there will not be any additions on the property.

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 is located within an “E” MVA cluster with a “C” located farther southeast of the site.

List of Officers

Pegasus City Brewery

William Cotten, President
Adrian Cotten, Vice President
Chris Weiss, Co-Owner
David Busby, Co-Owner
Justin Ezell, Co-Owner

**CPC Action
November 7, 2019**

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use for a two-year period, subject to a site plan and conditions on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building, on the southeast corner of Commerce Street and Browder Street.

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

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson*, Blair, Housewright,
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3
Conflict: 1 - Jung**

*out of the room, shown voting in favor

**out of the room, when vote taken

Notices: Area: 200 Mailed: 14

Replies: For: 0 Against: 0

Speakers: None

**CPC Recommended
SUP CONDITIONS
Z189-351**

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.
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 (two years from passage of this ordinance).
4. FLOOR AREA: Maximum floor area allowed for the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 4,804 square feet in the location shown on the attached site plan. Maximum floor area allowed for an uncovered patio to the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 5,385 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery may only be open to the public between 11:00 a.m. and 12:00 a.m. (midnight), Monday through Sunday.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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

Project
 DP&L Building
 1008 COMMERCE ST.
 DALLAS, TX 75201
 Prepared for
 PEGASUS CITY BREWERY
 WILL & ADRIAN COTTEN

Existing Zoning:
 PD 619, Subdistrict A
 Land Use: Microbrewery

NO. CHANGES

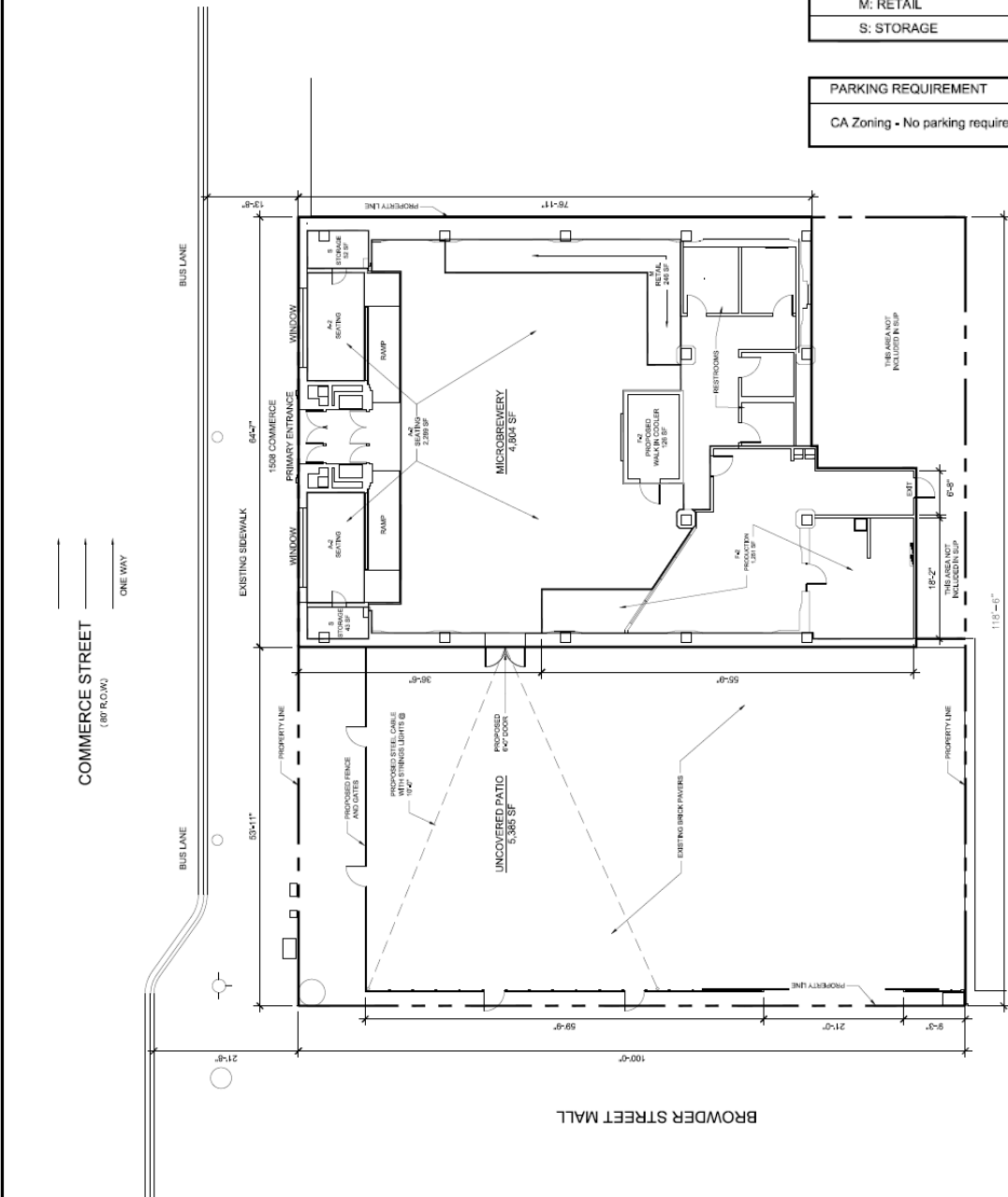
PROPOSED CHANGES

DATE

| | |
|--|--------|
| Use: MICROBREWERY | |
| Zoning: PD 619, Subdistrict A | |
| Site Information: | |
| Total Existing Building Square Footage | 4,804 |
| Uncovered Patio Square Footage | 5,385 |
| SUP Lot Area (SF) | 10,189 |
| Lot Coverage | 100% |

| OCCUPANCY GROUPS | |
|------------------|----------|
| A-2: SEATING | 2,289 SF |
| F-2: PRODUCTION | 1,251 SF |
| M: RETAIL | 246 SF |
| S: STORAGE | 95 SF |

| PARKING REQUIREMENT | |
|--|--|
| CA Zoning - No parking required per Sec. 51A-4.210 (b) (4) | |



1 SUP SITE PLAN
 SCALE: 1/8" = 1'-0"
 ZONING CASE # Z189-351

Alcohol Survey

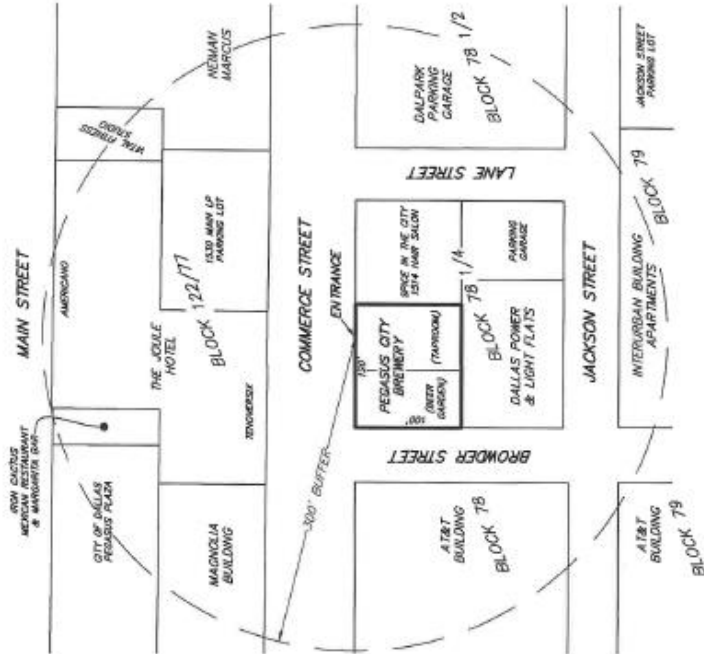
THIS LOCATION EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY. THE BOUNDARY SHOWN IS BASED ON APPROXIMATE FIELD OBSERVATIONS AND/OR RECORD DATA AND MAY NOT BE SHOWN IN ITS TRUE LOCATION.

SITE ADDRESS:
1508 COMMERCE STREET
DALLAS TX 75201

SURVEYORS STATEMENT

I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4.

[Signature]
Brian R. Wade
Texas Registered Professional Land Surveyor No. 6098



LOCATION EXHIBIT

FOR THE
**ALCOHOL MEASUREMENT
CERTIFICATION APPLICATION**
"PEGASUS CITY BREWERY"
BEING ALL OF LOTS 2 THROUGH 4, BLOCK 78 1/4 OF THE ORIGINAL CITY OF DALLAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO DPL LOAN HOLDINGS LLC RECORDED IN INSTRUMENT NUMBER 201200289337
OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
CITY BLOCK 78 1/4
JOHN CRIGSBY SURVEY, ABSTRACT NO. 495
IN THE
CITY OF DALLAS, DALLAS COUNTY, TEXAS

APPLICANT:

PEGASUS CITY BREWERY
2222 VANTAGE STREET
DALLAS, TX 75207
(972)366-7722

PROPERTY OWNER:

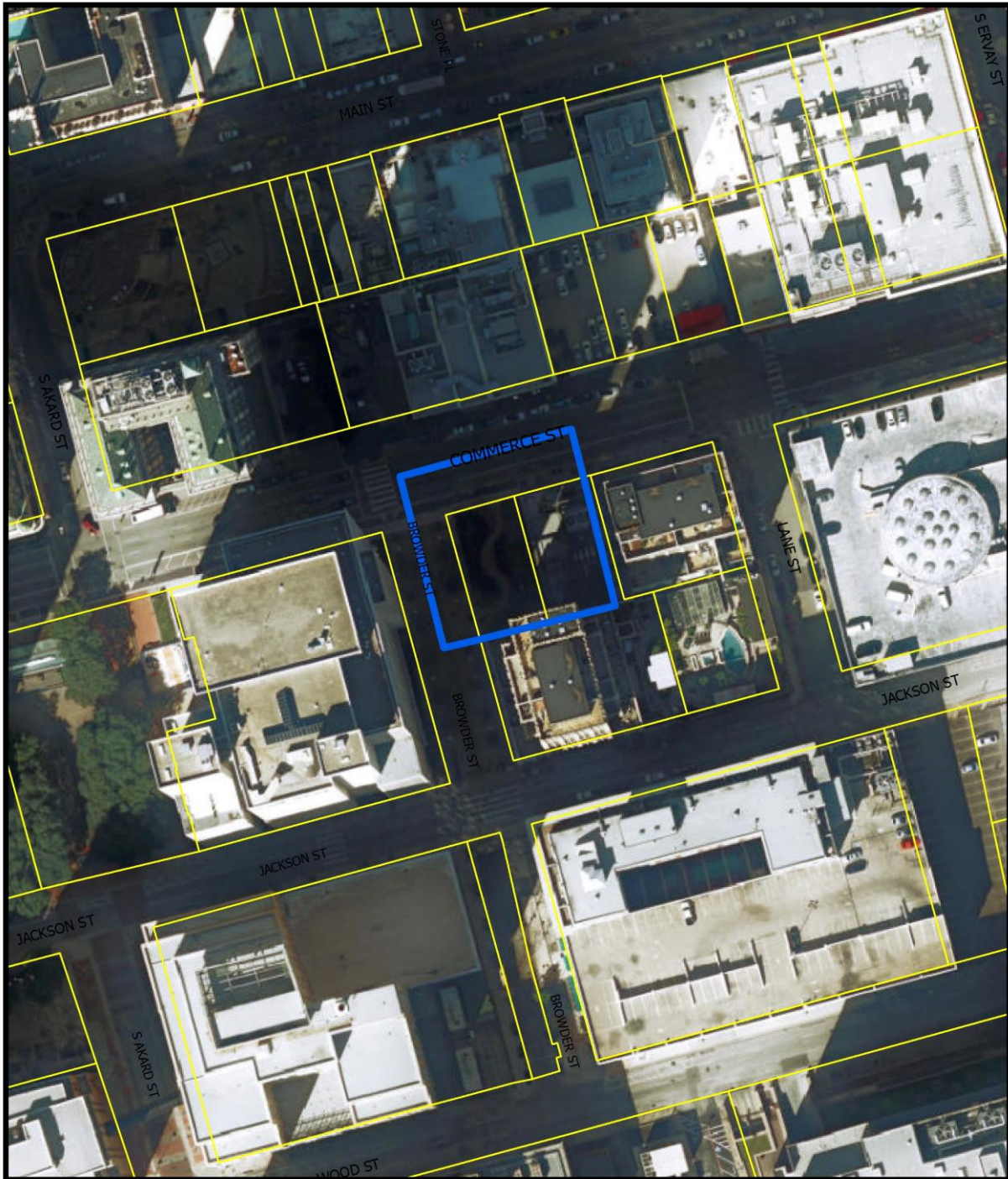
DPL LOAN HOLDINGS LLC
311 S. HARWOOD STREET
DALLAS, TX 75201
(214)741-6100

SURVEYOR:

RAYMOND L. GOODSON, JR., INC.
15001 N. CENTRAL EXPY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com #4-493
TX PE REC #100341-00
TBPLS REC #100341-00

Z 189-351

| | | | | | |
|---------|-----------|--------|------------|---------|--------|
| SCALE | 1" = 100' | DATE | 07/23/2019 | SHEET | 1 OF 1 |
| JOB NO. | 1911.084 | E-FILE | 1911.084 | DWG NO. | |

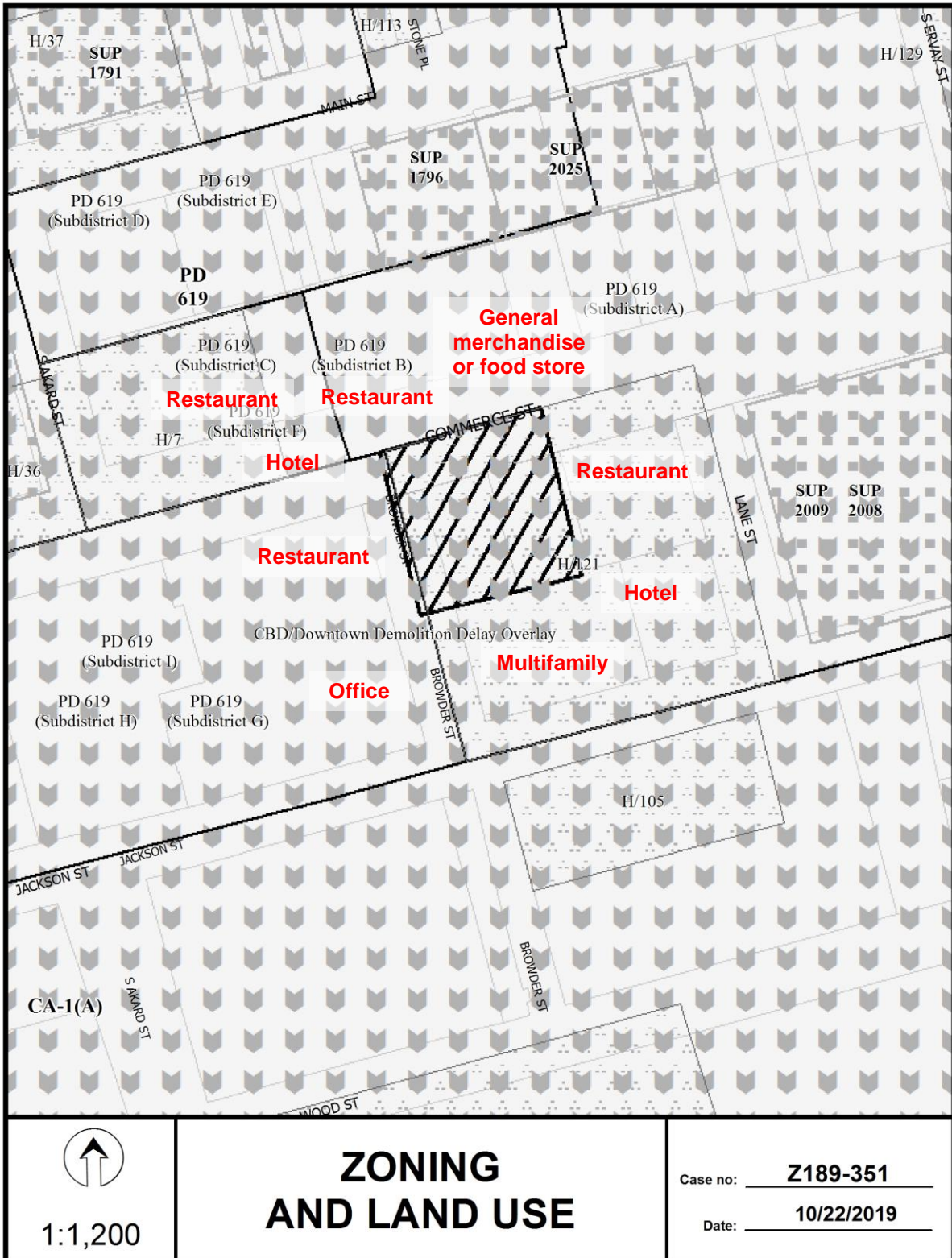


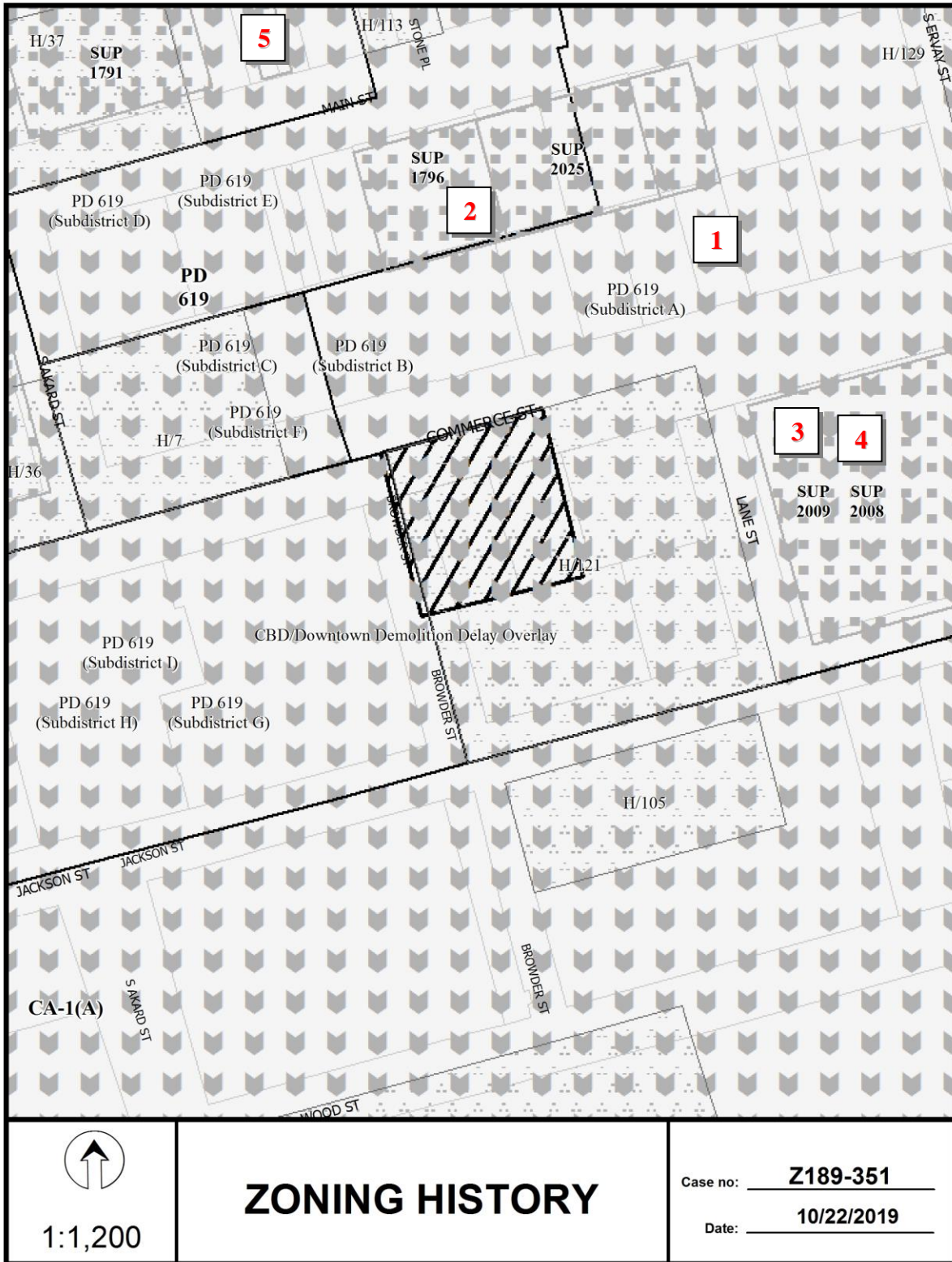
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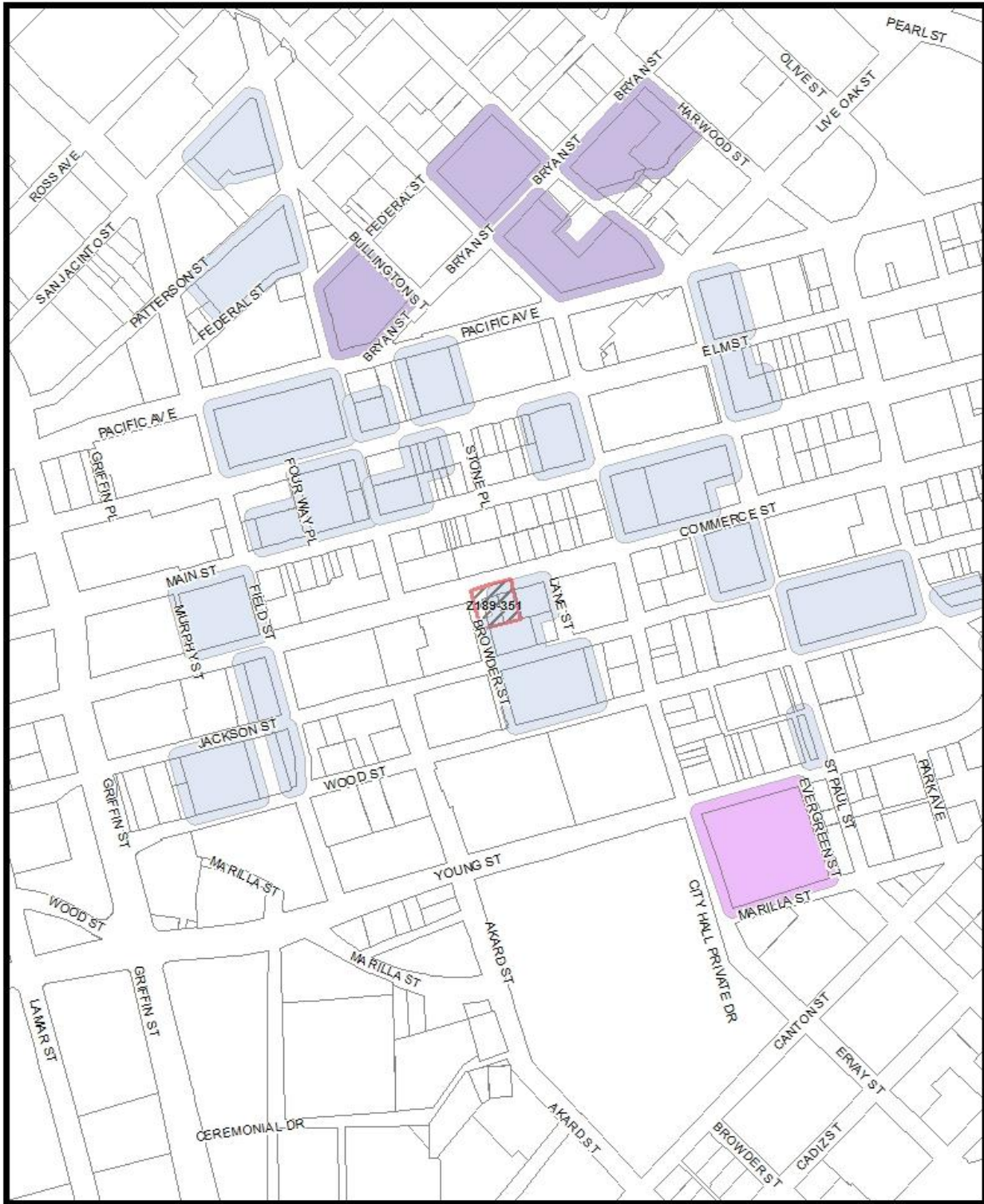
AERIAL MAP

Case no: Z189-351

Date: 10/22/2019







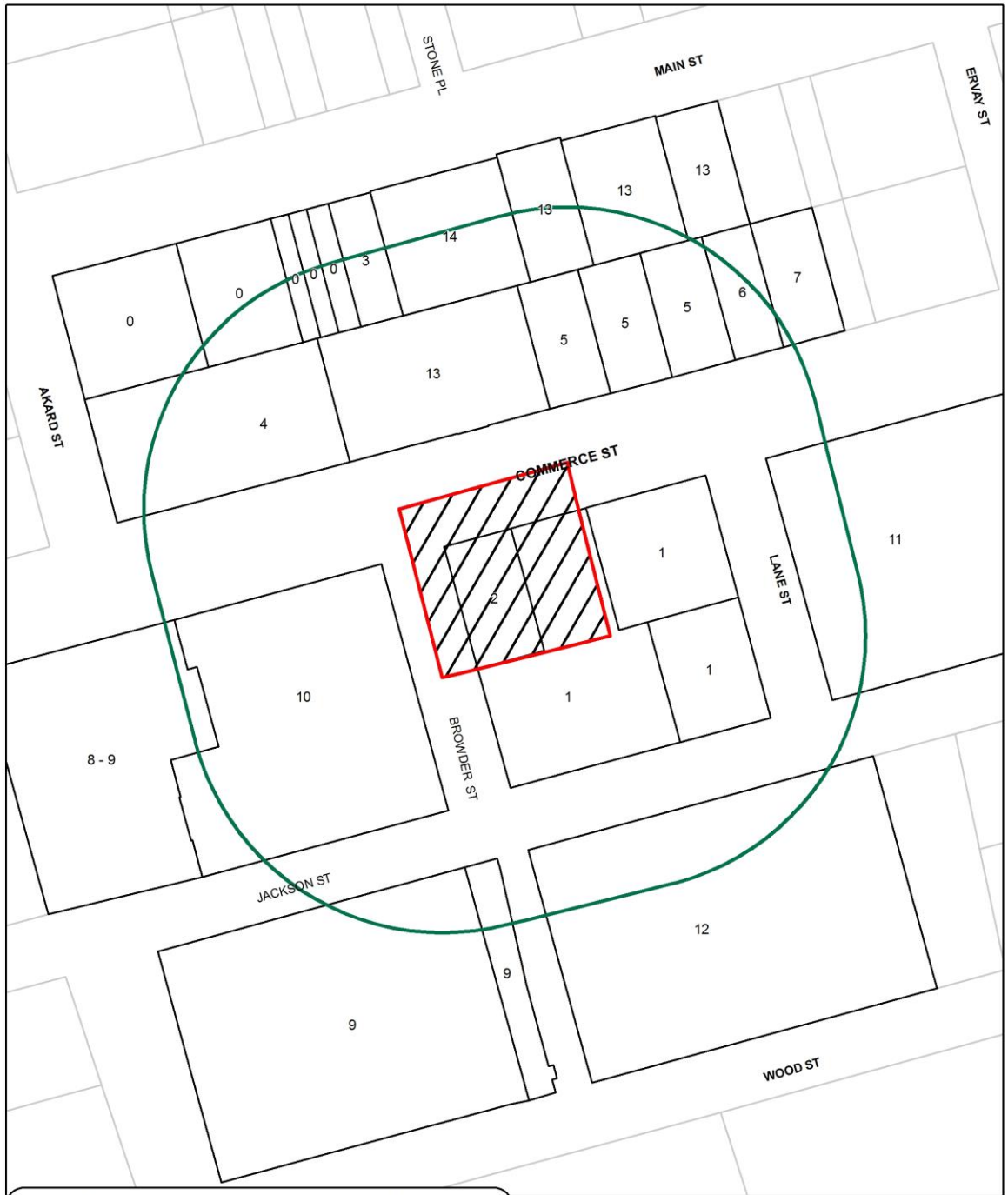
Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 10/22/2019

CPC Responses



| | |
|------------------|---------------------------------------|
| <u>14</u> | Property Owners Notified (27 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>200'</u> | Area of Notification |
| <u>11/7/2019</u> | Date |

Z189-351
CPC



1:1,200

Z189-351(JM)

11/06/2019

Reply List of Property Owners

Z189-351

14 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 | 1512 COMMERCE ST | DPL LOAN HOLDINGS LLC |
| | 2 | 1500 COMMERCE ST | DPL LAND LLC |
| | 3 | 1520 MAIN ST | MAIN STREET INVESTORS JV |
| | 4 | 1401 COMMERCE ST | HOLTZE MAGNOLIA LLLP |
| | 5 | 1513 COMMERCE ST | 1530 MAIN LP |
| | 6 | 1525 COMMERCE ST | POLLOCK ROBERT ETAL |
| | 7 | 1603 COMMERCE ST | KEATING PROPERTIES LLC |
| | 8 | 208 S AKARD ST | SOUTHWESTERN BELL TELEPHONE |
| | 9 | 1400 JACKSON ST | SOUTHWESTERN BELL |
| | 10 | 208 S AKARD ST | WHITACRE TOWER HOLDINGS LP |
| | 11 | 1600 COMMERCE ST | DALPARK LAND LEASE LTD |
| | 12 | 1500 JACKSON ST | 1500 JACKSON STREET LLC |
| | 13 | 1501 COMMERCE ST | 1600 MAIN STREET HOLDINGS LP |
| | 14 | 1530 MAIN ST | DUNHILL 1530 MAIN LP |