

CITY PLAN COMMISSION

THURSDAY, MAY 18, 2023

Planner: Andreea Udrea, PhD, AICP

FILE NUMBER: Z223-135(AU) **DATE FILED:** November 15, 2022

LOCATION: North line of Alta Avenue, west of Greenville Avenue

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 8,975 sf **CENSUS TRACT:** 48113001002

OWNER/APPLICANT: Lowgreen PSLTD

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for the renewal of Specific Use Permit No. 1903 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.

SUMMARY: The purpose of the request is to allow the existing restaurant use to continue to operate as a late-hours establishment per PD No. 842 and remain open past 12:00 a.m. (midnight).

STAFF 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:

- The area of request is currently located within Planned Development District No. 842, which defaults to all uses and development standards permitted within the CR Community Retail District. In PD No. 842, late-hour establishments are allowable only subject to an SUP. A late-hours establishment means a retail and personal service use that, except in Subdistrict 2, operates between 12 a.m. (midnight) and 6 a.m., and in Subdistrict 2, operates between 9 p.m. and 6 a.m.
- On September 13, 2011, the City Council approved Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a three-year period.
- On May 26, 2021, January 23, 2019, October 11, 2017 and October 8, 2014, the City Council approved renewals of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a two-year period, one-year period, and three-year period, respectively. SUP No. 1903 is set to expire on May 26, 2023.
- The area of request is developed with an approximate 3,362-square-foot structure which currently has a Certificate of Occupancy for a restaurant without drive-in service, issued on June 7, 2017.
- The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours establishment is required in order for the establishment to operate after midnight.

Zoning History: There have been 16 zoning cases in the area over the past five years.

1. **Z189-131:** On April 10, 2019, the City Council denied without prejudice 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 District on the east line of Greenville Avenue, between Oram Street and LaVista Drive.
2. **Z189-150:** On April 10, 2019, the City Council approved Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a one-year period, on property zoned Planned Development District No. with an MD-1 Modified Delta Overlay District on east side of Greenville Avenue, south of Stonebriar Court.
3. **Z189-206:** On August 28, 2019, the City Council approved the creation of Subdistrict 2 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the northeast corner of Greenville Avenue and Oram Street.

4. **Z189-227:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern, has been automatically renewed for an additional two-year time period, on property zoned 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. **Z189-251:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 2346 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 southwest corner of Alta Avenue and Greenville Avenue, for a four-year period.
6. **Z189-261:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.
7. **Z189-333:** On January 8, 2020, the City Council approved the renewal of Specific Use Permit No. 2272 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 east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
8. **Z190-125:** On February 26, 2020, the City Council approved the renewal of Specific Use Permit No. 2327 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 east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
9. **Z190-240:** On August 26, 2020, the City Council repealed 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 with an MD-1 Modified Delta Overlay District on the southwest corner of Greenville Avenue and Alta Avenue.
10. **Z190-306:** On December 9, 2020, the City Council approved the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a five-year period, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue.
11. **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. [subject site]

12. **Z201-204:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late hours establishment for a bar, lounge, or tavern use, has been automatically renewed for an additional two-year time period on property zoned 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.
13. **Z201-258:** 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.
14. **Z212-204:** On August 24, 2022, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.
15. **Z223-123:** An application to amend Subdistrict No. 1 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay located on the west side of Greenville Avenue, north of Alta Avenue. [case scheduled for City Plan Commission hearing on May 18, 2023]
16. **Z223-124:** An application for a Specific Use Permit to operate a late hours establishment on property zoned Subdistrict No. 1 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay located on the west side of Greenville Avenue, north of Alta Avenue. [case scheduled for City Plan Commission hearing on May 18, 2023]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Alta Avenue	Local	50 feet	50 feet

Transportation:

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:**Land Use:**

	Zoning	Land Use
Site	PD No. 842 with SUP No. 1903	Restaurant without drive-in or drive-through service
North	PD No. 842	Restaurant without drive-in or drive-through service
East	PD No. 842 SUP No. 1912	Surface Parking Lot Restaurant without drive-in or drive-through service Retail
South	PD No. 842	Office; Restaurant with drive through service
West	PD No. 842	Surface Parking Lot

Land Use Compatibility:

The area of request is developed with an approximate 3,362-square-foot structure which currently has a certificate of occupancy, issued on June 7, 2017, for a restaurant without drive-in or drive-through service and SUP No. 1903 for late hours establishment. Surrounding uses include restaurants to the north, east and south; retail to the north and east; and surface parking to the east and west. An office use is located to the south of the subject site. The site is just west of Greenville Avenue, which is a corridor that has restaurants and bars which operate after midnight. The applicant request's is consistent with existing uses within the vicinity of the site.

The previous iterations of SUP NO.1903 are referencing an area of the building of 3,207 square feet. With this SUP renewal request, staff recommended the applicant to redraw the site plan, to ensure a better quality. During the updating, the applicant discovered that the actual area of the building, including the patio, is 3,362 square feet. No changes or additions to the existing building are proposed with this SUP renewal.

The main uses permitted in PD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. In order to operate certain uses between midnight and 6:00 a.m., the land use becomes a late-hours establishment, and a Specific Use Permit is required.

The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The City Plan Commission and City Council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The crime statistics that were provide for the past two years, there were no noise violations or arrests for public intoxication or disorderly conduct.

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 believes the applicant has met all of the above listed criteria for the above listed SUP requirements and is in support of the requested renewal for an additional two-year period.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

Parking:

Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±3,326-square foot restaurant requires 32 spaces. As depicted on the site plan, 9 spaces are provided onsite. The applicant owns the adjacent property to the west of the request site and utilizes the lot for restaurant parking. The required 32

spaces must be provided onsite and/or through a parking agreement. The applicant has a parking agreement filed with the Building Official to meet the required parking for the restaurant.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policymakers 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 south.

Crime Statistics

The Dallas Police Department reports that there have been 22 calls, and no offenses or arrests from May 2021 to present, as outlined below:

Date	Time	Problem	Priority Description	Location Name	Address
12/27/2021	8:56:00 AM	12B - Business Alarm	3 - General Service	STANDARD SERVICE DALLAS	5631 Alta Ave
2/1/2021	9:06:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY	5631 Alta Ave
7/16/2021	5:14:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY / STANDARD SERVICE DALLAS	5631 Alta Ave
3/28/2021	2:24:00 AM	12B - Business Alarm	3 - General Service	STANDARD SERVICE / FEED COMPANY	5631 Alta Ave
12/29/2021	10:24:00 PM	40/01 - Other	2 - Urgent	STANDARD SERVICE	5631 Alta Ave
7/11/2021	1:11:00 AM	12B - Business Alarm	3 - General Service	STANDARD SEVICES	5631 Alta Ave
7/2/2022	3:27:00 PM	07 - Minor Accident	3 - General Service	STANDARD SERVICE	5631 Alta Ave
1/19/2022	5:13:00 PM	09V - UUMV	4 - Non Critical	FEED COMPANY EATERY	5631 Alta Ave
12/18/2022	1:36:00 PM	13 - Prowler	2 - Urgent	STANDARD SERVICE	5631 Alta Ave
12/18/2022	2:11:00 PM	11V - Burg Motor Veh	4 - Non Critical	STANDARD SERVICE	5631 Alta Ave
6/29/2022	6:57:00 AM	11B - Burg of Bus	3 - General Service	standard service	5631 Alta Ave
9/9/2022	9:10:00 PM	09V - UUMV	4 - Non Critical	standard service	5631 Alta Ave
8/22/2022	12:20:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY	5631 Alta Ave
8/13/2022	1:18:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY	5631 Alta Ave
8/13/2022	4:53:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY	5631 Alta Ave
12/7/2022	7:50:00 PM	37 - Street Blockage	4 - Non Critical	Standard Service	5631 Alta Ave
11/26/2022	12:56:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY	5631 Alta Ave
9/9/2022	11:28:00 PM	09V - UUMV	4 - Non Critical	FEED COMPANY EATERY	5631 Alta Ave

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2/14/2023	11:07:00 PM	6XA - Major Dist Ambulance	2 - Urgent	starbucks parking lot	5631 Alta Ave
2/6/2023	12:17:00 PM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY/STANDARD SERVICE	5631 Alta Ave
1/25/2023	10:59:00 AM	12B - Business Alarm	3 - General Service	FEED COMPANY EATERY/ STANDARD SERVICE	5631 Alta Ave

Partners/Principals/Officers:

Lowgreen P.S., Ltd.

Lowgreen Corporation

Shula Netzer, President

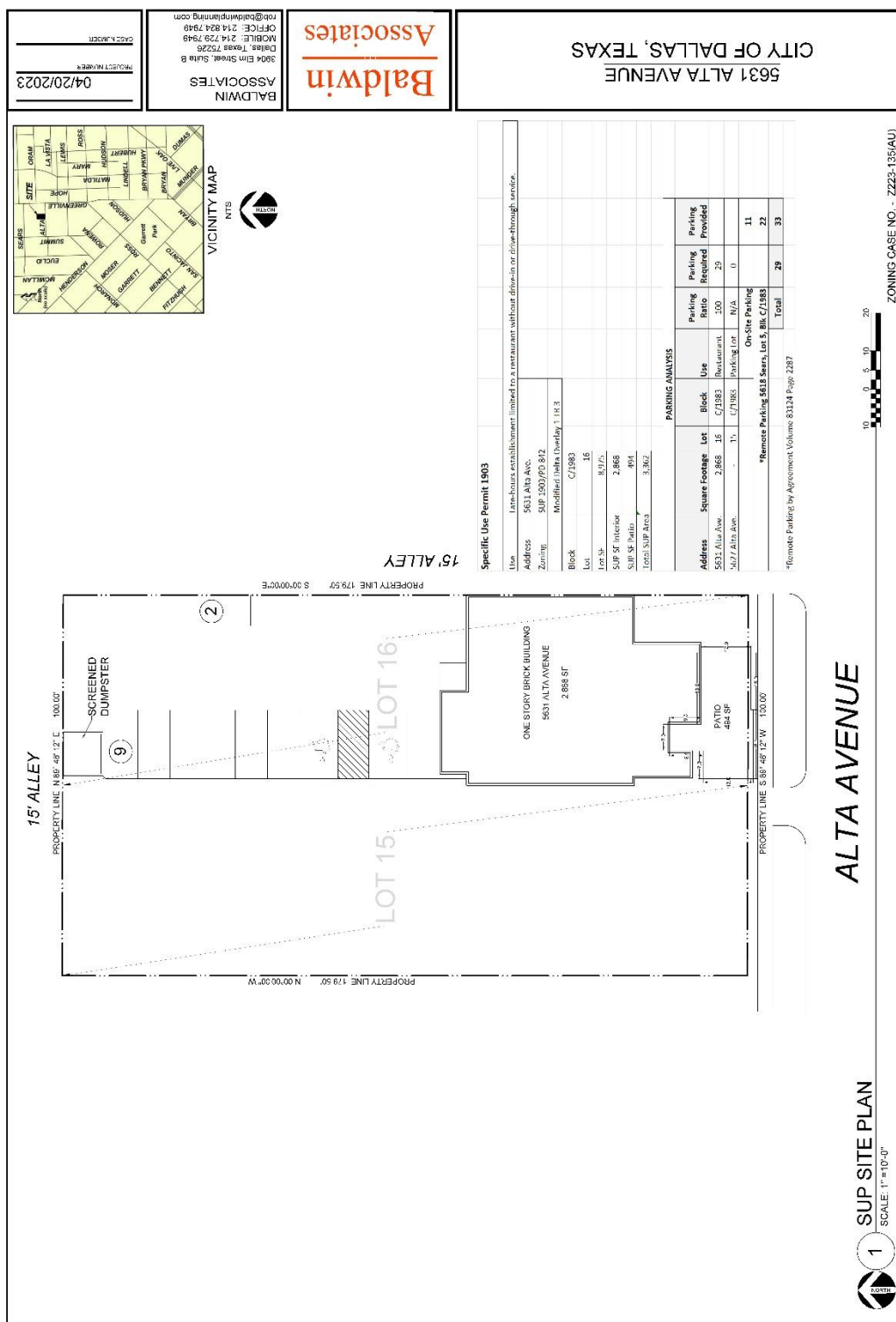
Roger Andres, Vice President

Marc Andres, Director

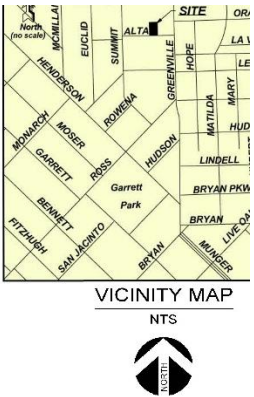
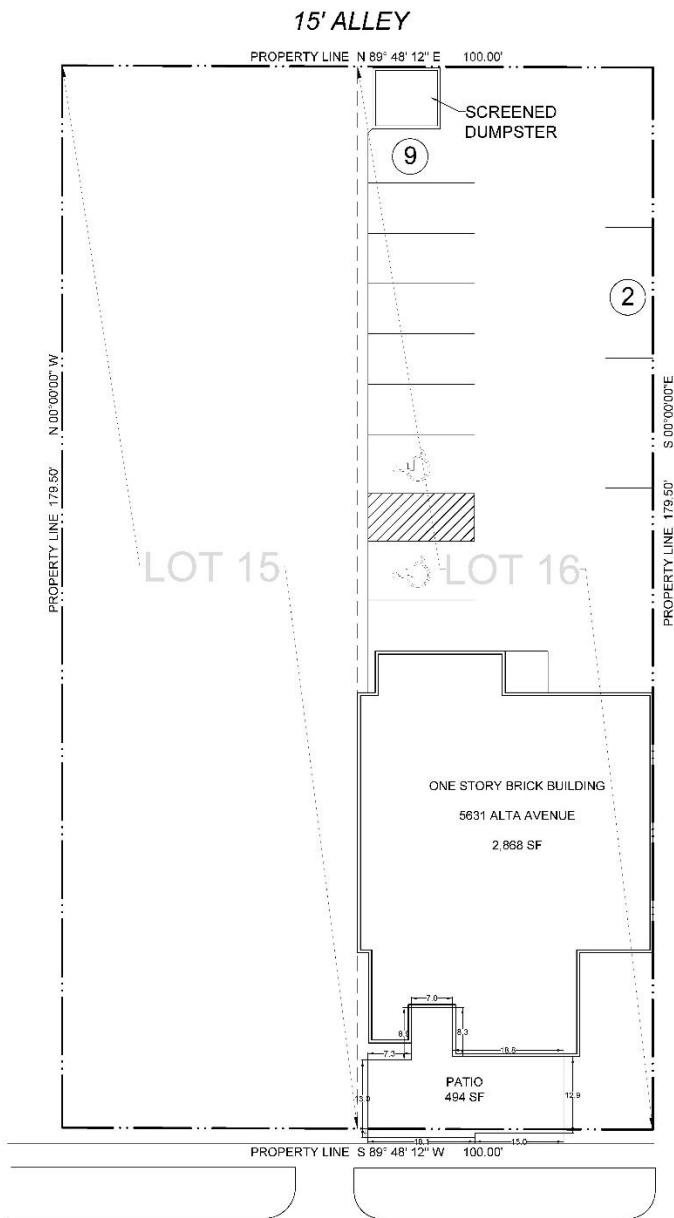
PROPOSED SUP NO.1903 CONDITIONS

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 on [~~May 26, 2023~~] (two years from date of passage of this ordinance)
4. **CERTIFICATE OF OCCUPANCY:** The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).
5. **FLOOR AREA:** Maximum floor area is ~~3,207~~ 3,362 square feet.
6. **HOURS OF OPERATION:** 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 3:00 a.m., Monday through Sunday. No new customers may enter the restaurant without drive-in or drive-through service after 3:00 a.m., and all customers must leave the Property by 4:30 a.m.
7. **OUTDOOR SPEAKERS:** Use of outdoor speakers on the Property is prohibited.
8. **PARKING:** Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
9. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
10. **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.

SUP No. 1903 SITE PLAN
(no changes)



SUP No. 1903 SITE PLAN
(no changes - enlarged)



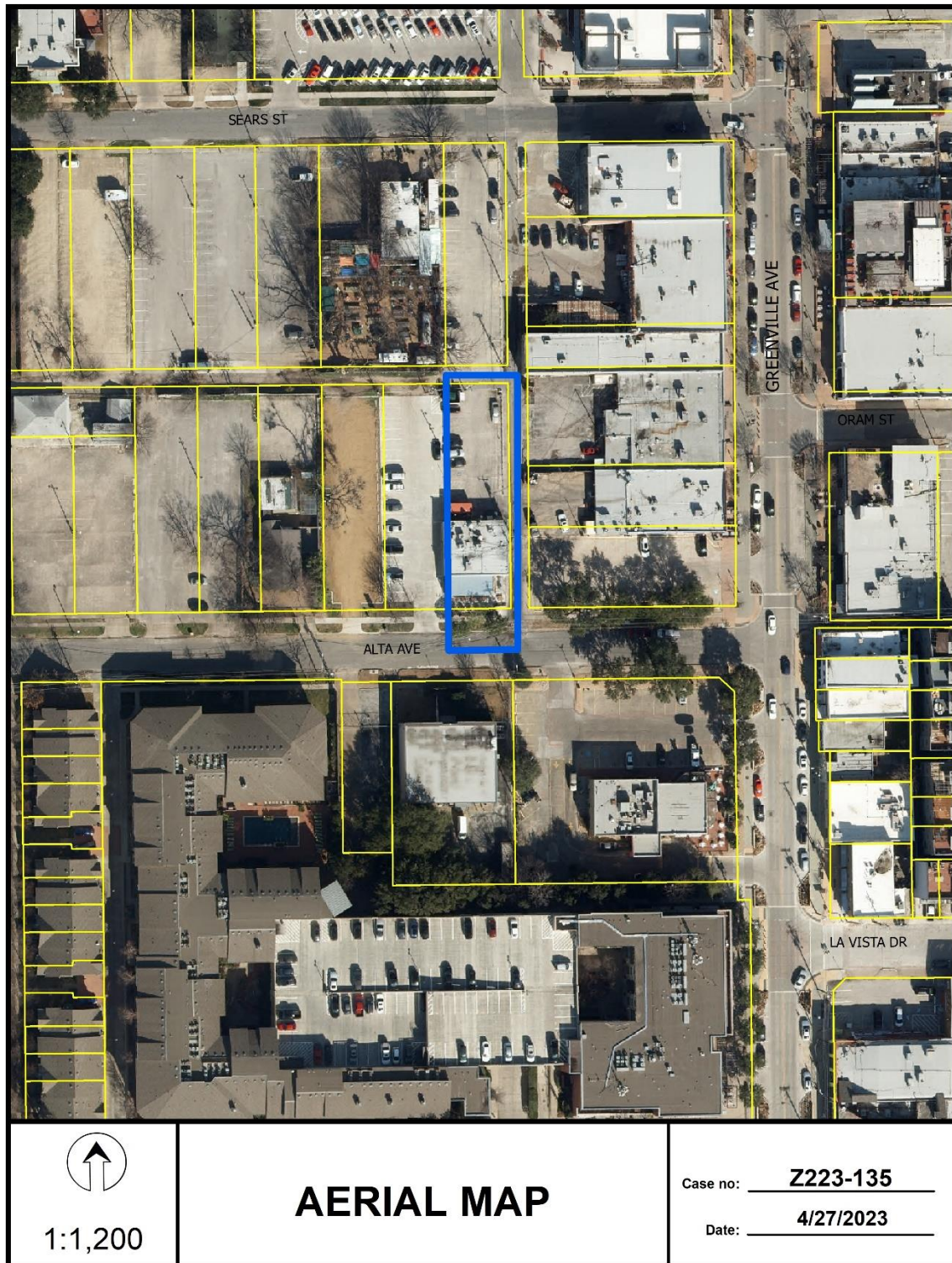
Specific Use Permit 1903							
Use	Late-hours establishment limited to a restaurant without drive-in or drive-through service.						
Address	5631 Alta Ave.						
Zoning	SUP 1903/PD 842						
	Modified Delta Overlay 1 TR 3						
Block	C/1983						
Lot	16						
Lot SF	8,975						
SUP SF Interior	2,868						
SUP SF Patio	494						
Total SUP Area	3,362						
PARKING ANALYSIS							
Address	Square Footage	Lot	Block	Use	Parking Ratio	Parking Required	Parking Provided
5631 Alta Ave.	2,868	16	C/1983	Restaurant	100	29	
5627 Alta Ave.	-	15	C/1983	Parking Lot	N/A	0	
On-Site Parking							11
*Remote Parking 5618 Sears, Lot 5, Blk C/1983							22
					Total	29	33

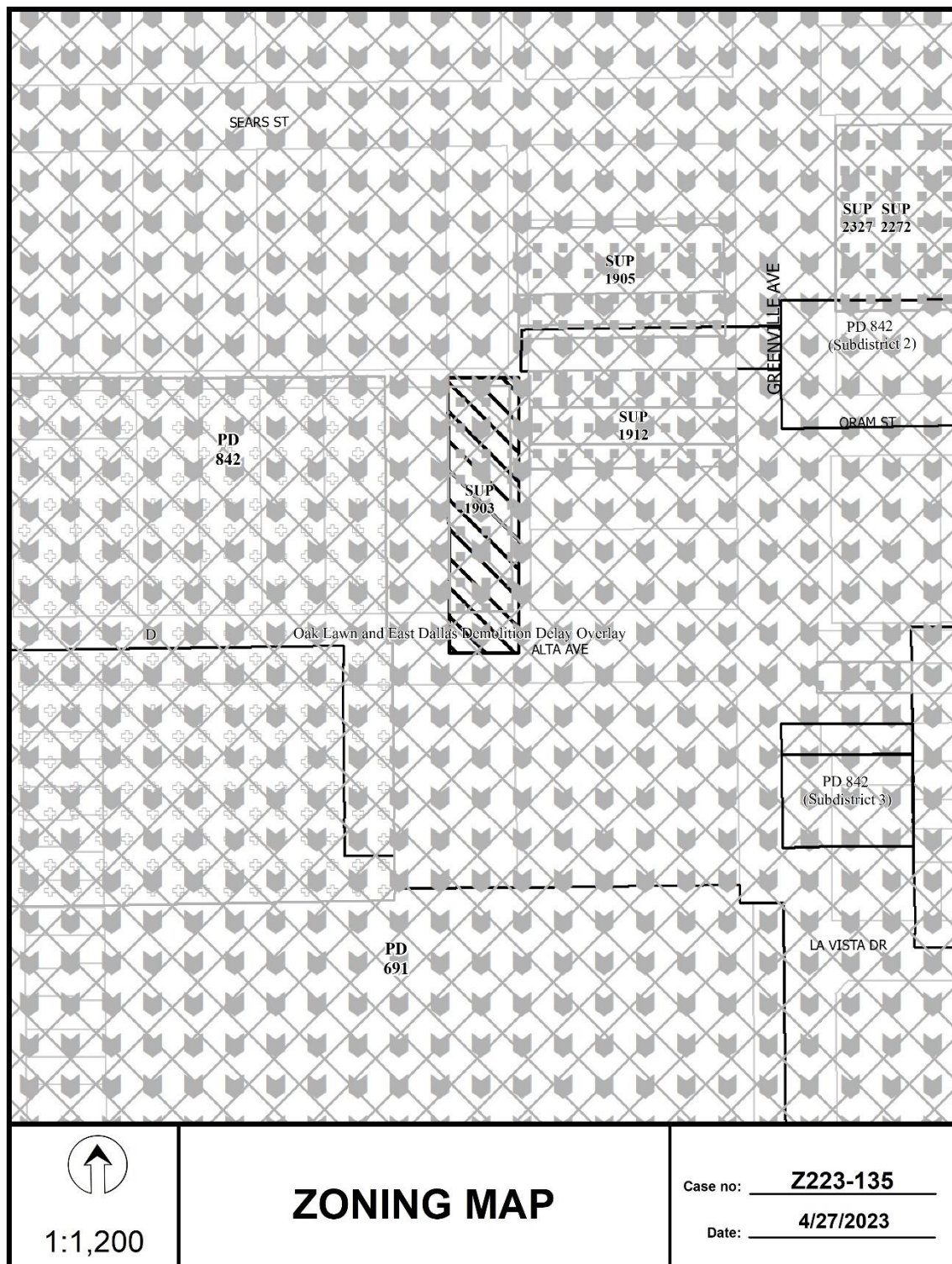
*Remote Parking by Agreement Volume 83124 Page 228/

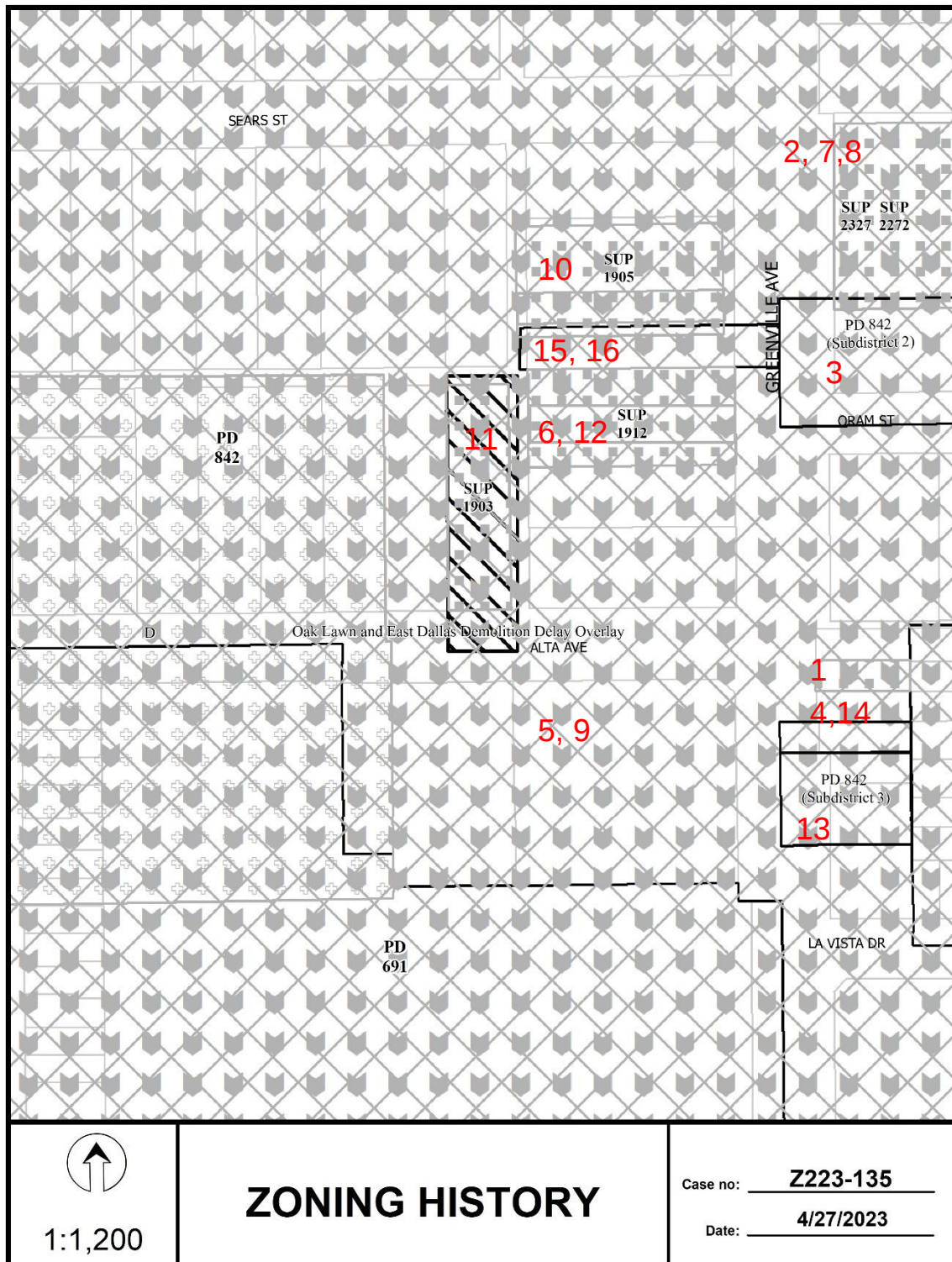
*Remote Parking by Agreement Volume 83124 Page 2287

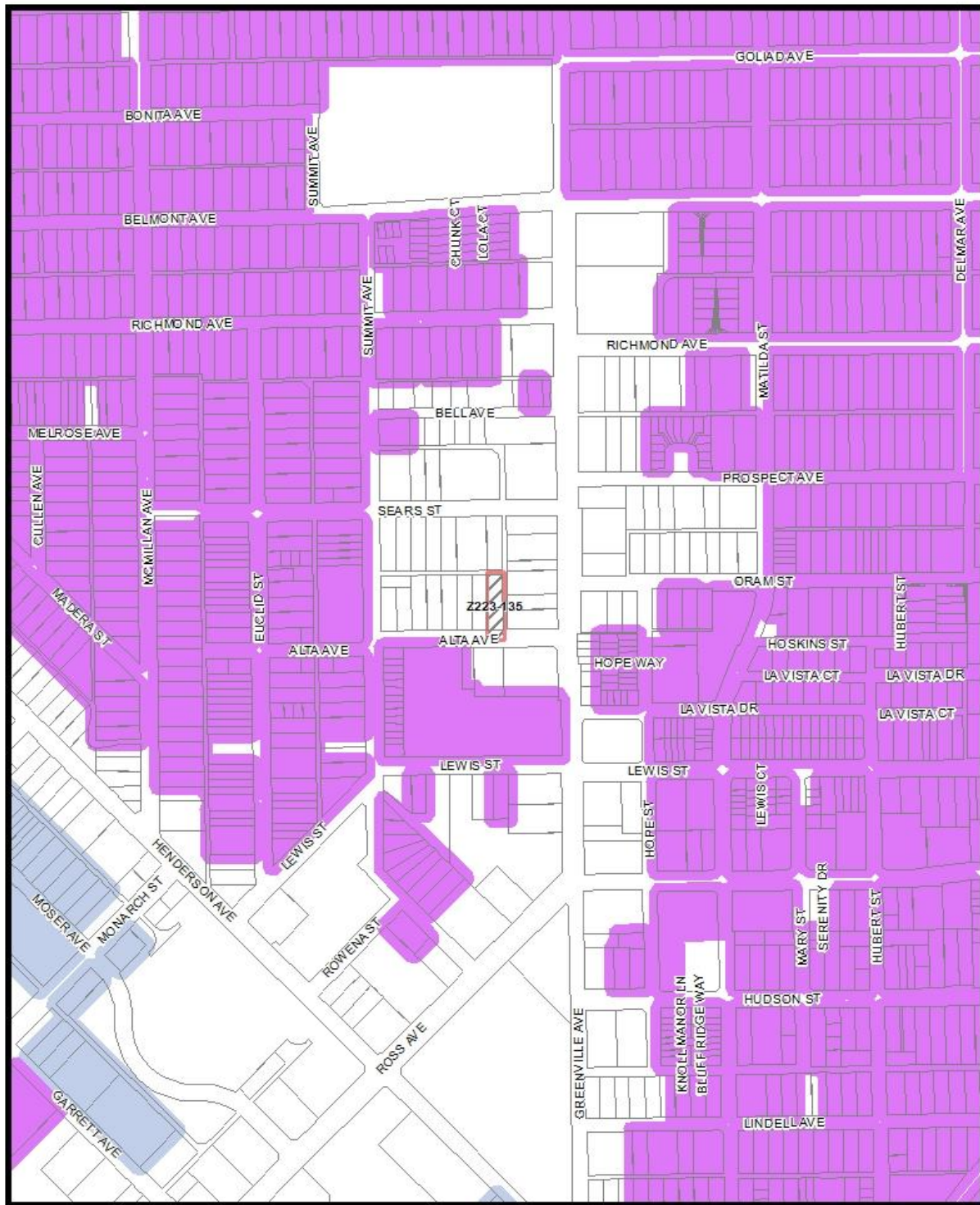
ALTA AVENUE











Market Value Analysis

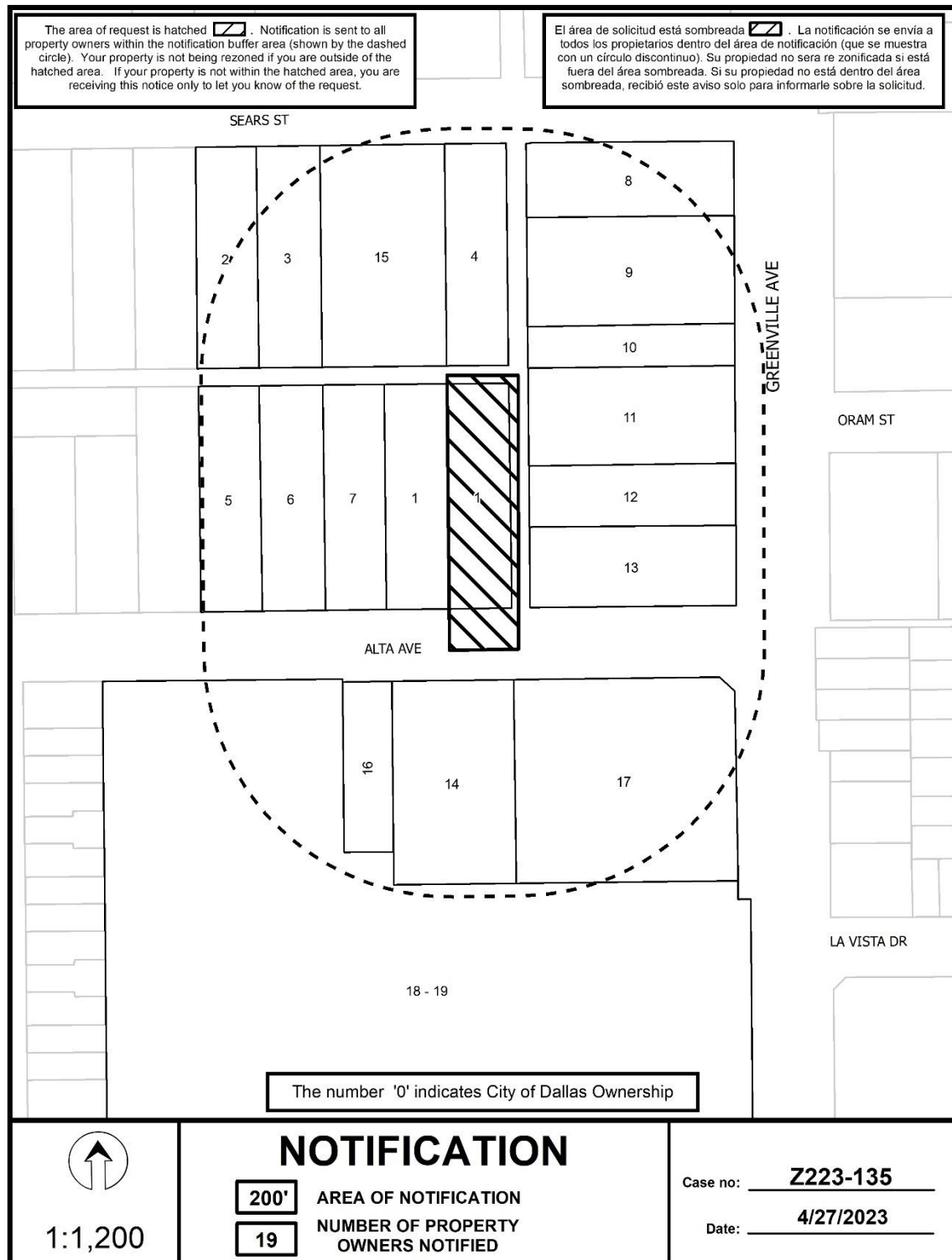
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Market Value Analysis

Printed Date: 4/27/2023



04/27/2023

Notification List of Property Owners***Z223-135******19 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5627 ALTA AVE	LOWGREEN PS LTD
2	5614 SEARS ST	GREENVILLE HOLDINGS INC
3	5618 SEARS ST	GREENVILLE HOLDINGS CO
4	5628 SEARS ST	ANDRES FAMILY TRUSTS
5	5615 ALTA AVE	THACKER RICHARD E
6	5619 ALTA AVE	THACKER RICHARD E JR
7	5623 ALTA AVE	GREENWAYSEARS LP
8	1931 GREENVILLE AVE	GREENWAY SEARS LP
9	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
10	1917 GREENVILLE AVE	MEDICAPITAL INC
11	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
12	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
13	1903 GREENVILLE AVE	LOWGREEN PS
14	5626 ALTA AVE	LATORRE ROBERT INC
15	5622 SEARS ST	5624 SEARS STREET LTD
16	5626 ALTA AVE	Taxpayer at
17	1827 GREENVILLE AVE	LOWGREEN PS
18	1811 GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
19	1811 GREENVILLE AVE	GREENWAY GREENVILLE LP