

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, DECEMBER 8, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-328(LG)

DATE FILED: August 24, 2021

LOCATION: North line of Olympus Boulevard, east of Wharf Road

COUNCIL DISTRICT: 6

MAPSCO: 2 A

SIZE OF REQUEST: ±6.23 acres

CENSUS TRACT: 141.27

OWNER: The Neighborhoods of Cypress Waters Association, Inc.

APPLICANT: BDDC, Inc.

REPRESENTATIVE: Bradley J. Moss

REQUEST: An application for the renewal of Specific Use Permit No. 2348 for a commercial amusement (outside) use on property zoned Subarea A within Planned Development District No. 741.

SUMMARY: The purpose of this request is to continue to allow a commercial amusement (outside) use on the site.

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions.

BACKGROUND INFORMATION:

- On January 25, 2006 the City Council approved the creation of Planned Development District No. 741.
- On October 8, 2014, the City Council approved an expansion of Subareas A-1 and A-2 of Planned Development District No. 741 onto property zoned an A(A) Agricultural District, to incorporate Subareas F and G into Subarea A-2 of Planned Development District No. 741, and to terminate Specific Use Permit No. 1806 for gas drilling and production. Subsequent to that request, on February 24, 2016, the City Council also approved an amendment to the development and landscape plans on property zoned Subarea A-2 of Planned Development District No. 741.
- On July 21, 2016, the City Plan Commission approved a request to waive the two-year waiting period to allow for the submittal of an application to create Subarea A within Planned Development District No. 741 by combining Subareas A-1, A-2 and H.
- On September 28, 2016, the City Council approved an amendment to Planned Development No. 741 to expand Subarea A by incorporating 36.984 acres of land reclaimed from North Lake and all four acres of Subarea H [Z156-296].
- According to the Dallas Development Code, a commercial amusement (outside is defined as a facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes but is not limited to a golf driving range or miniature golf course. This use is permitted by SUP in Subarea A within Planned Development District No. 741.
- This is the first renewal request for SUP No. 2348, which was approved by the City Council on August 28, 2019 for a two-year period.
- A portion of the site is in the floodplain.

Zoning History:

There have been five zoning changes in the surrounding area in the past five years including the area of request.

1. **Z201-262:** On September 22, 2021, the City Council approved an application for an amendment to the development plan for corrections to building heights on property zoned Subarea A within Planned Development District No. 741 on the northwest corner of Olympus Boulevard and Stampede Lance.
2. **Z189-265:** On August 28, 2019, the City Council approved an application for a Specific Use Permit for a commercial amusement (outside) on property zoned

Subarea A within Planned Development District No. 741 on the on the north line of Olympus Boulevard, east of Wharf Road. [subject site]

3. **Z189-135:** On March 27, 2019, City Council approved an application for a Specific Use Permit for a for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Subarea A within Planned Development District No. 741 on the northeast corner of Olympus Boulevard and Wharf Road.
4. **Z178-284:** On September 26, 2018, City Council approved an application for an amendment to Planned Development No. 741 to expand Subarea A by incorporating 2 acres on the northeast corner of Bleecker Street and Wharf Road.
5. **Z156-296:** On September 28, 2016, City Council approved an amendment to Planned Development No. 741 to expand Subarea A by incorporating 36.984 acres of land reclaimed from North Lake and all four acres of Subarea H.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Cypress Waters Boulevard	Local Street	94 feet
Olympus Boulevard	Local Street	60 feet
Wharf Road	Local Street	--

Traffic:

The Engineering Division of the Sustainable Development and Construction 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. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Surrounding Land Use(s):

	Zoning	Land Use
Site	PD 741 – Subarea A	Commercial Amusement (Outside)
North	PD 741 – Subarea A	Restaurant w/o drive-in or drive-through window; North Lake
East	PD 741 – Subarea A	Undeveloped
South	PD 741 – Subarea A	Office (2)
West	PD 741 – Subarea A	Restaurant, Office, Multifamily

Land Use Compatibility:

The site is zoned Subarea A within Planned Development District No. 741 and is currently developed as a commercial amusement (outside) with a 2,002-square-foot stage and hardscape. Uses surrounding the area of request include two office buildings to the south of the property, restaurant, office and multifamily uses are to the west. Undeveloped land to the east and North Lake along with a restaurant w/o drive-in or drive-through window to the north of the area of request.

The applicant has improved the site with a 2,002-square-foot stage and hardscape to accommodate event patrons. The event space serves as an entertainment option for “The Sound at Cypress Waters” development located within Planned Development District No. 741. Events include concerts, festivals, charity race, movie nights and Boho markets.

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.

In general, the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. Staff recommends approval for the renewal of SUP No. 2348 for a three-year period as the initial two-years were completed without issues. Since no other changes are proposed on the SUP conditions and the SUP site plan, Staff support this request as it will provide an opportunity for another review in a short period of time to ensure consistency as the area develops.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For a commercial amusement (outside) use, the minimum parking requirement pursuant to the Dallas Development Code may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area is required. SUP No. 2348 has 408 parking spaces for this site as shown on the approved site plan.

Landscaping:

No new development is proposed; therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

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 target intervention strategies more precisely 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 not within an identifiable MVA Category; however, it is in proximity to a “E” MVA Cluster to the southeast across Olympus Boulevard.

CPC ACTION
October 21, 2021

Motion: It was moved to recommend **approval** the renewal of Specific Use Permit No. 2348 for a commercial amusement (outside) use for a three-year period, subject to conditions on property zoned Subarea A within Planned Development District No. 741, on the north line of Olympus Boulevard, east of Wharf Road.

Maker: Carpenter
Second: Hampton
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Anderson, Shidid,
Carpenter, Jackson*, Blair, Jung, Suhler, Haqq,
Stanard, Kingston

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 10
Conflict: 1 - Rubin**

*out of the room, shown voting in favor
**out of the room when vote taken

Notices: Area: 400 Mailed: 20
Replies: For: 18 Against: 0

Speakers: None

List of Partners/Principals/Officers

The Neighborhoods of Cypress Waters Association, Inc.

- Lucy Billingsley, President/Treasurer
- Kimberly H. Meyer, Senior Vice President
- Kenneth D. Mabry, Senior Vice President/Secretary
- Lucilo Pena, Vice President

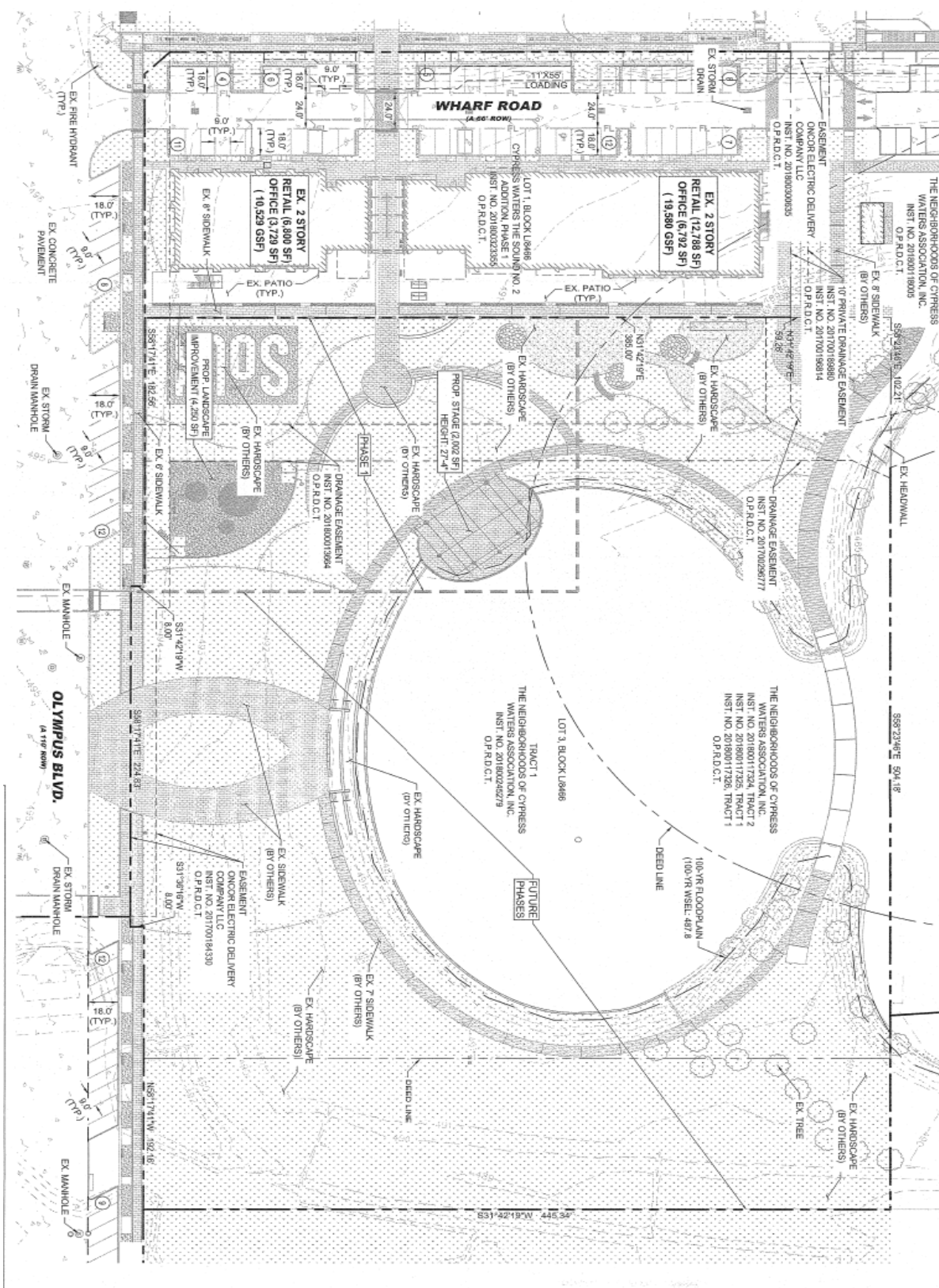
BDDC, Inc.

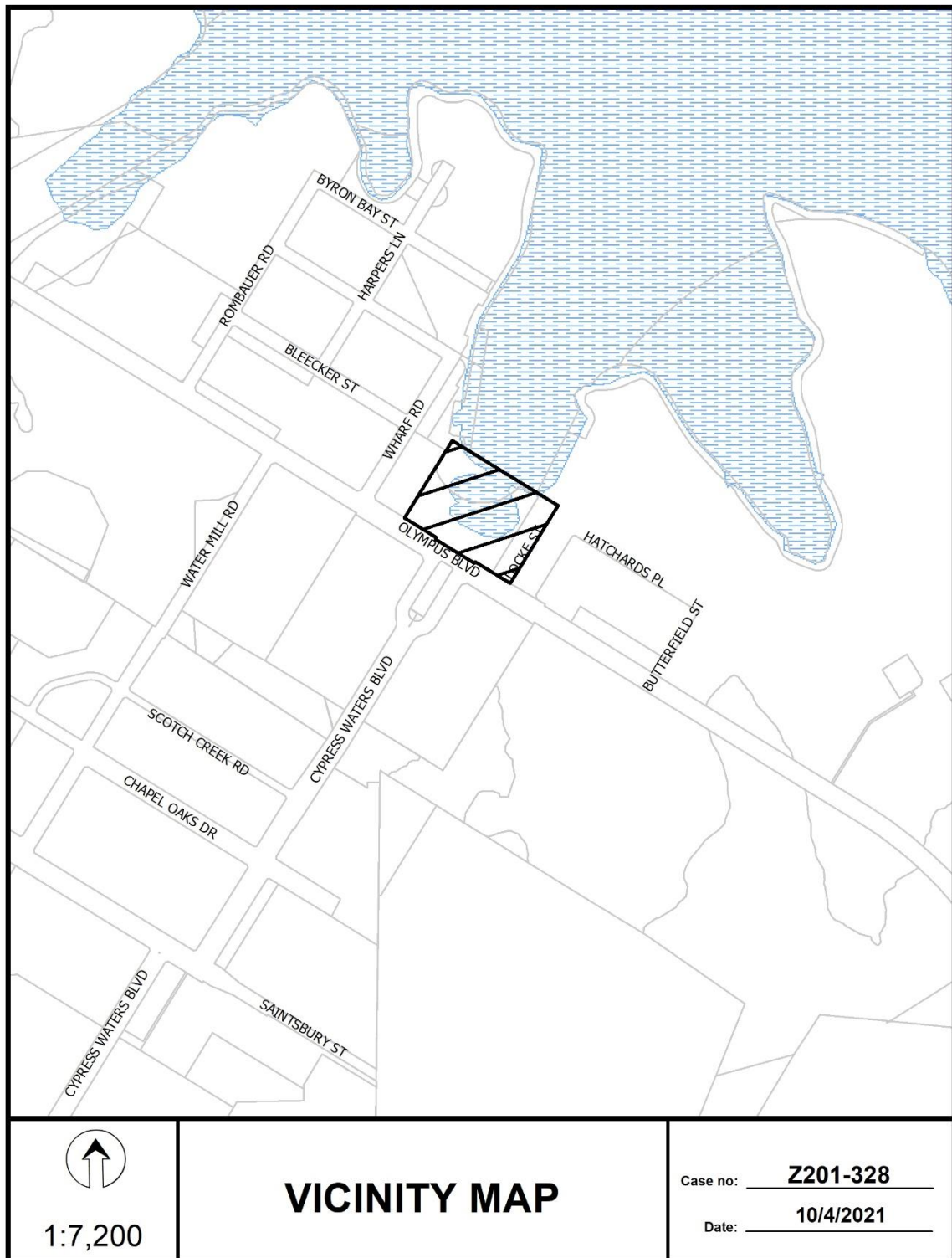
- Lucilo Pena, President/Treasurer
- Lucy Billingsley, Senior Vice President
- Kimberly H. Meyer, Senior Vice President
- Kenneth D. Mabry, Senior Vice President/Secretary
- Lucy Paige Burns, Vice President
- George H. Billingsley, Vice President
- Summer Billingsley, Vice President
- Brett Johnson, Vice President

CPC RECOMMENDED SUP CONDITIONS

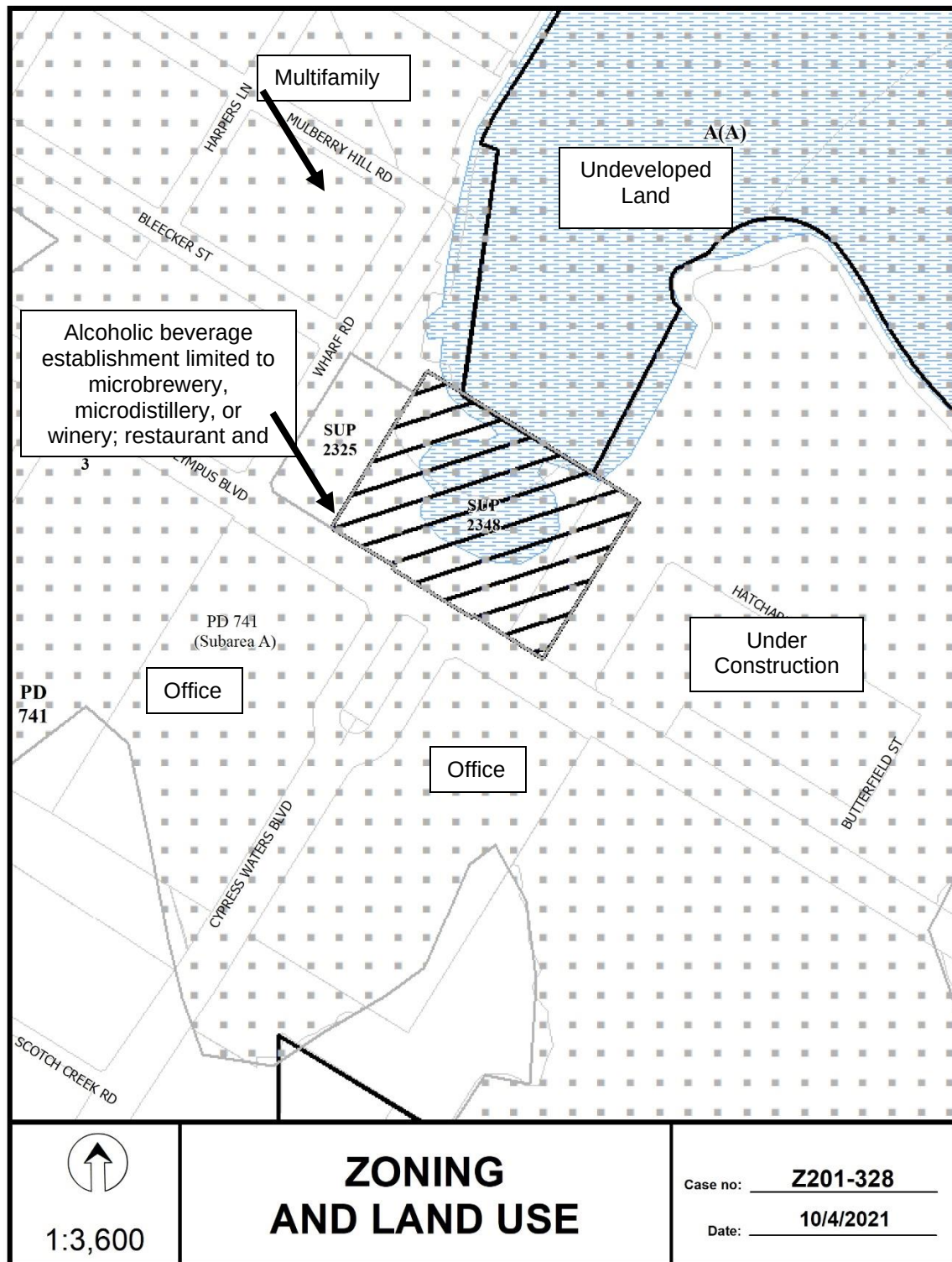
1. USE: The only use authorized by this specific use permit is commercial amusement (outside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (three-year period from the passage of this ordinance).
4. FLOOR AND SITE AREAS: The maximum combined site area and floor area for a commercial amusement (outside) use is 271,522 square feet.
5. PARKING: Parking must be located as shown on the attached site plan.
6. HOURS OF OPERATION: The commercial amusement (outside) use may only operate between the hours of 8 a.m. to 10 p.m.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances of the City of Dallas.

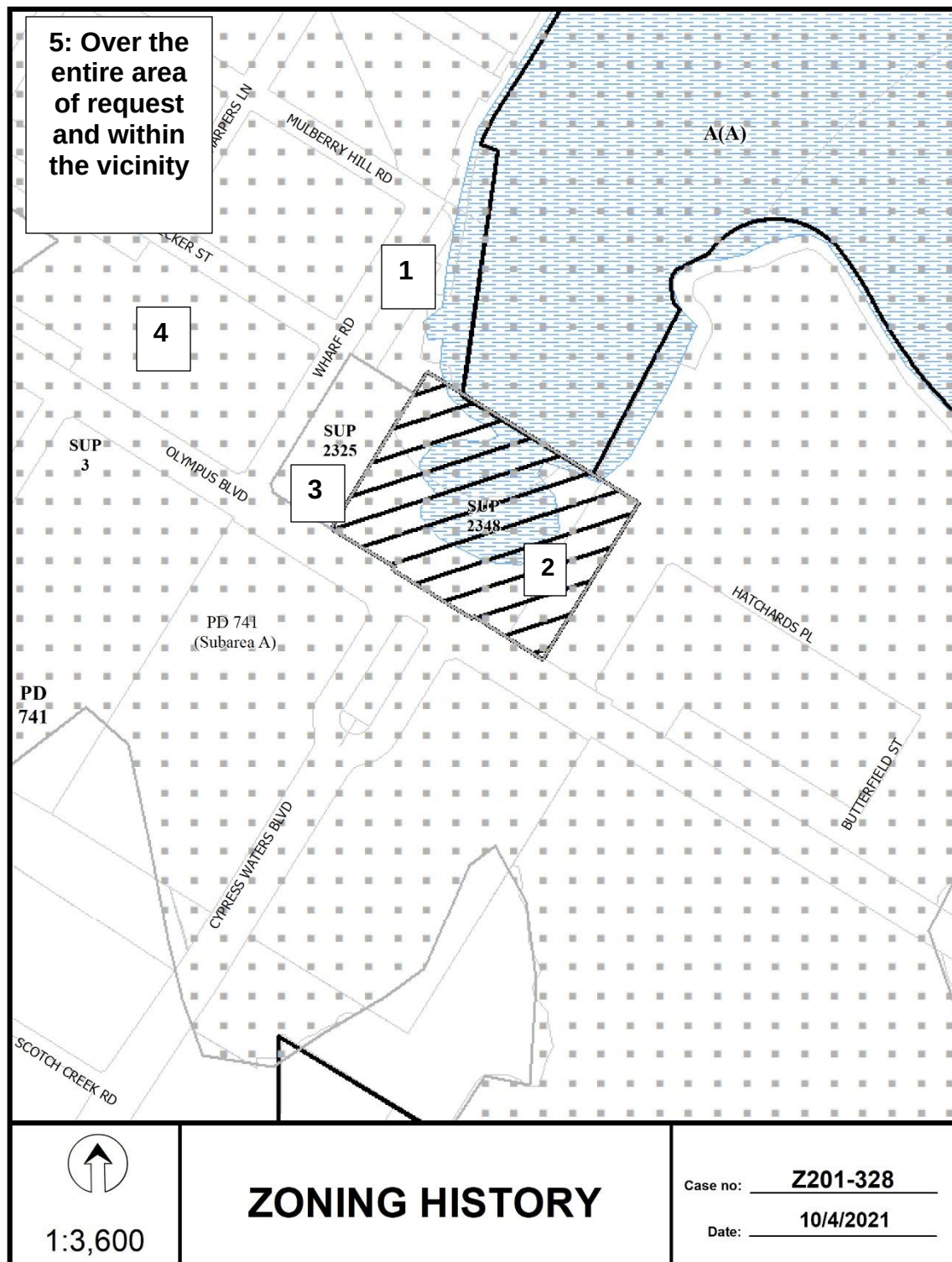


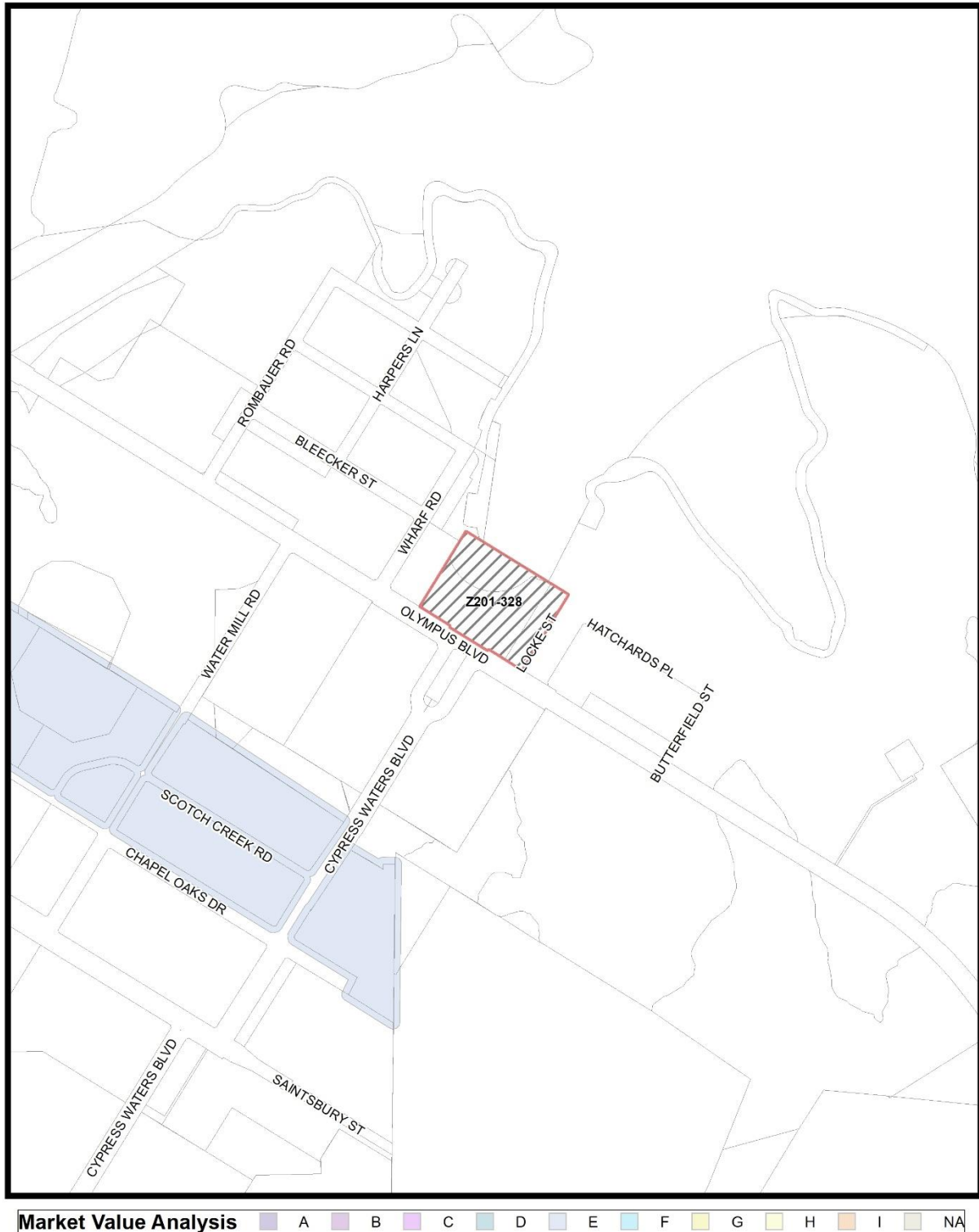










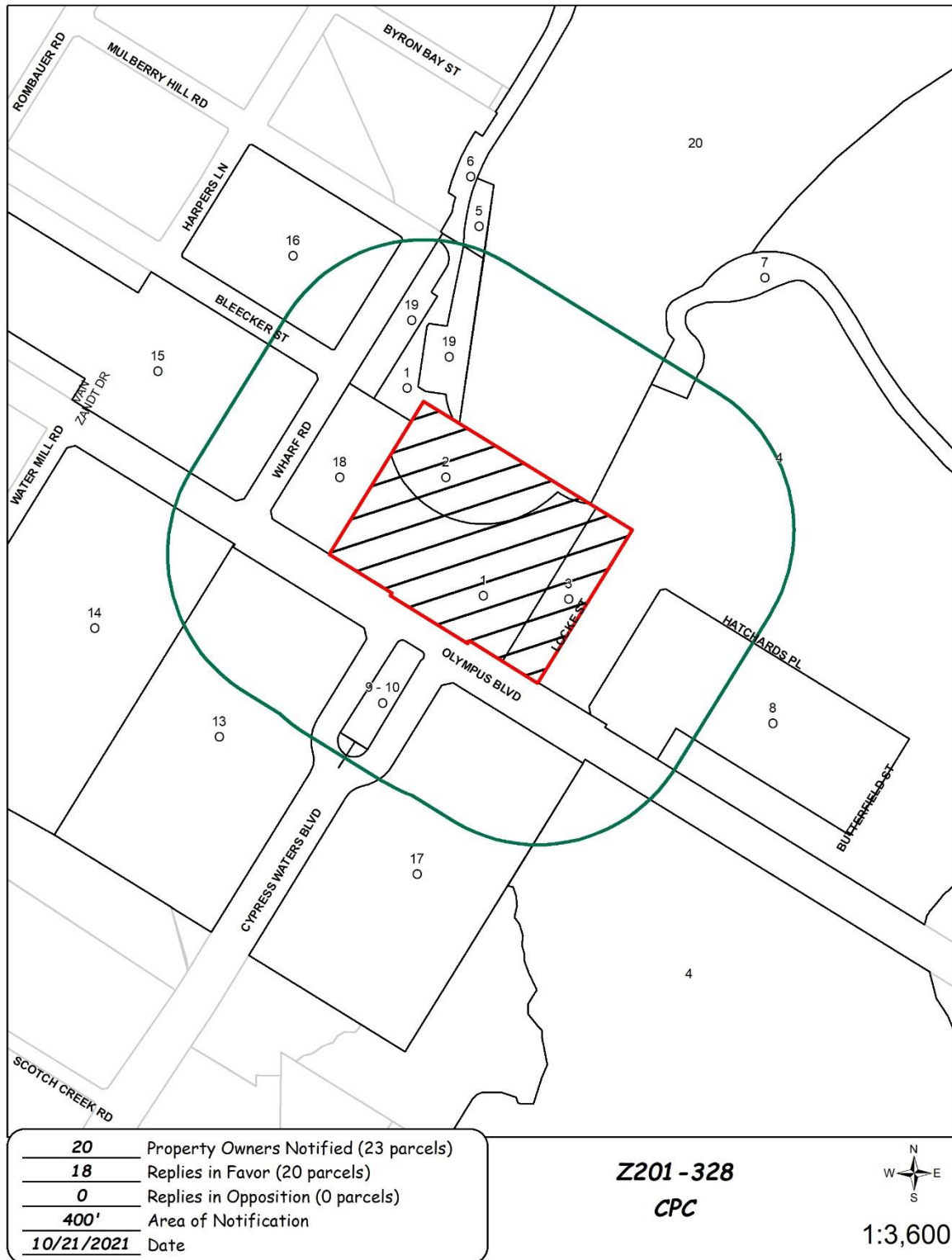


 1:7,200

Market Value Analysis

Printed Date: 10/4/2021

CPC RESPONSES



10/20/2021

Reply List of Property Owners***Z201-328******20 Property Owners Notified******18 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3121 OLYMPUS BLVD	NEIGHBORHOODS OF CYPRESS WATERS
O	2	3081 OLYMPUS BLVD	CYPRESS WATERS LAND A LTD &
O	3	3 OLYMPUS BLVD	CYPRESS WATER LAND A LTD
	4	3003 OLYMPUS BLVD	CYPRESS WATER LAND A LTD
O	5	9600 WHARF RD	CYPRESS WATERS LAND A LTD &
O	6	9000 DYNAMO DR	NEIGHBORHOODS OF CYPRESS
O	7	114 OLYMPUS BLVD	NEIGHBORDHOODS OF CYPRESS WATERS
O	8	116 OLYMPUS BLVD	CW13 LAND LTD
O	9	3090 OLYMPUS BLVD	THE NEIGHBORHOODS OF CYPRESS
O	10	3090 OLYMPUS BLVD	THE NEIGHBORHOODS OF CYPRESS
O	11	3090 OLYMPUS BLVD	THE NEIGHBORHOODS OF CYPRESS
O	12	3090 OLYMPUS BLVD	THE NEIGHBORHOODS OF CYPRESS
O	13	3100 OLYMPUS BLVD	CWOP 3100 OLYMPUS LTD
O	14	3200 OLYMPUS BLVD	CW10 LAND LTD
O	15	3201 OLYMPUS BLVD	CW09 LAND LTD
O	16	9655 WHARF RD	NEIGHBORHOODS AT CW NO 2
O	17	3000 OLYMPUS BLVD	CWOP 3000 OLYMPUS LTD
O	18	3111 OLYMPUS BLVD	CWR3 LAND LTD
O	19	3121 OLYMPUS BLVD	CWR4 LAND LTD
	20	1 OLYMPUS BLVD	COPPELL CITY OF