

FILE NUMBER: Z234-133(CR) **DATE FILED:** November 29, 2023

LOCATION: Southeast corner of Commerce Street and Browder Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: ± 5,142 sf **CENSUS TRACT:** 48113003103

REPRESENTATIVE: Brad Eubanks

OWNER: DPL Loan Holdings, LLC

APPLICANT: Pegasus City Brewery

REQUEST: An application for an amendment to Specific Use Permit No. 2358 for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Planned Development District No. 619 with H/121 Dallas Power and Light Building Historic District Overlay.

SUMMARY: The purpose of the request is to allow for the continuation of an existing alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery.

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

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to amended conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned Planned Development District No. 619 with H/121 Dallas Power and Light Building Historic District Overlay
- The area of request encompasses an approximately 4,804 square-foot ground floor unit currently operating as an alcoholic beverage establishment limited to microbrewery, microdistillery, or winery. The area also includes an external uncovered patio of approximately 5,385 square feet.

Zoning History:

There have been three zoning cases in the area in the last five years.

1. **Z190-362:** On March 24, 2021, the City Council approved new subdistricts within Planned Development District No. 619 on the southwest corner of Commerce Street and South Ervay Street.
2. **Z201-269:** On October 13, 2021, the City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned as PD 619 District with H/36 Adolphus Historic District overlay, located at the south line of Main Street, east of South Field Street.
3. **Z212-117:** On January 26, 2022, the City Council approved the renewal of Specific Use Permit No. 2358 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 Planned Development District No. 619, with H/121 Dallas Power and Light Building Historic Overlay, on the southeast corner of Commerce Street and Browder Street. [Subject Site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Commerce Street	CBD Plan, Commerce Street from Browder to Lane	80 feet

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:

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

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

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.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.2 Define urban character in Downtown and urban cores.

Area Plans:

The 360 Plan

The 360 Plan, adopted by Council in 2017, is an update to the Downtown Dallas 360 Plan adopted in 2011. The Plan, informed by local stakeholders, community leaders, and the City of Dallas, produced a strategic plan for the greater Downtown area. In the six years since the 2011 plan was adopted, the Downtown area has seen significant and rapid growth and has achieved many of the action items identified in the 2011 plan. The 2011 plan identified numerous connectivity needs as well as implementable actions for long-term vibrancy and success, including transit, streets, public spaces, urban design, housing, and parking. The 360 Plan is envisioned to address these and other emergent

needs of the growing residential population, commercial sector, and visitor base. The Plan was developed concurrently with other major planning efforts occurring in and around the City Center, including CityMAP, DART capital projects, high speed rail, and the Arts District Plan.

Staff finds that the applicant's request for continuation of an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery contributes to the overall vibrancy and commercial base within the Downtown area. This active use contributes to the Downtown area, meeting the 360 Plan's objectives of strengthening the urban fabric.

The Trinity River Corridor Comprehensive Land Use Plan

The Trinity River Corridor Comprehensive Land Use Plan, adopted in 2005 and updated in 2009, is an important tool for the individuals and organizations that make decisions affecting the Trinity River Corridor. Its vision describes the character this corridor should have in the future, and establishes the general principles that will direct preparation of detailed plans for smaller parts of the area. The Plan provides guidance about the appropriate land uses and development patterns for the corridor that can be used by citizens, property owners and City officials as they review specific development proposals.

The Plan's Preferred Land Use Plan illustrates the subject area within the Central Business District (CBD) Module, which is primarily intended for a vertical mix of uses ranging from offices to urban residential units. Staff finds that the applicant's request to continue an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery contributes to the overall vision of the CBD district by providing an active commercial use intended for residents and visitors.

Land Use:

	Zoning	Use
Site	PD 619	Alcoholic beverage establishment limited to microbrewery, microdistillery, or winery
North	PD 619	Hotel
East	PD 619	Commercial parking structure
South	PD 619	Misc. personal services, and multifamily
West	PD 619	Office

Land Use Compatibility:

The area of request encompasses the ground floor of an existing building, as well as an exterior uncovered patio for additional seating. The property abuts Commerce Street to the north, and a pedestrian-only Browder Street to the west.

No changes to PD No. 619 nor the applicable subdistricts are requested.

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 finds that this application for renewal of SUP 2358 meets the approval criteria for SUPs as established by Section 51A-4.219 of the Dallas Development Code.

Staff supports the request due to the continuity of the existing alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on-site and proposed compliance with all other applicable provisions of the Dallas Development Code and PD No. 619.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended, and applicable provisions of PD No. 619.

Parking:

Per Section 51A-4.124(a)(5)(B)(ii) of the Dallas Development Code and PD No. 619, no parking is required for ground-floor retail and personal service uses within the Central Area District.

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 in an “F” MVA area.

CPC ACTION

March 7, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2358 for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery for a two-year period, subject to amended conditions on property zoned Planned Development District No. 619 with H/121 Dallas Power and Light Building Historic District Overlay, on the southeast corner of Commerce Street and Browder Street.

Maker: Herbert

Second: Shidid

Result: Carried: 12 to 0

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Haqq, Hall

Against: 0

Absent: 3 - Treadway, Kingston, Rubin

Vacancy: 0

Notices: Area: 200

Mailed: 15

Replies: For: 0

Against: 0

Speakers: None

LIST OF OFFICERS

DPL Loan Holdings, LLC

Lawrence E. Hamilton III, Manager
Timothy J. Jordan, Manager

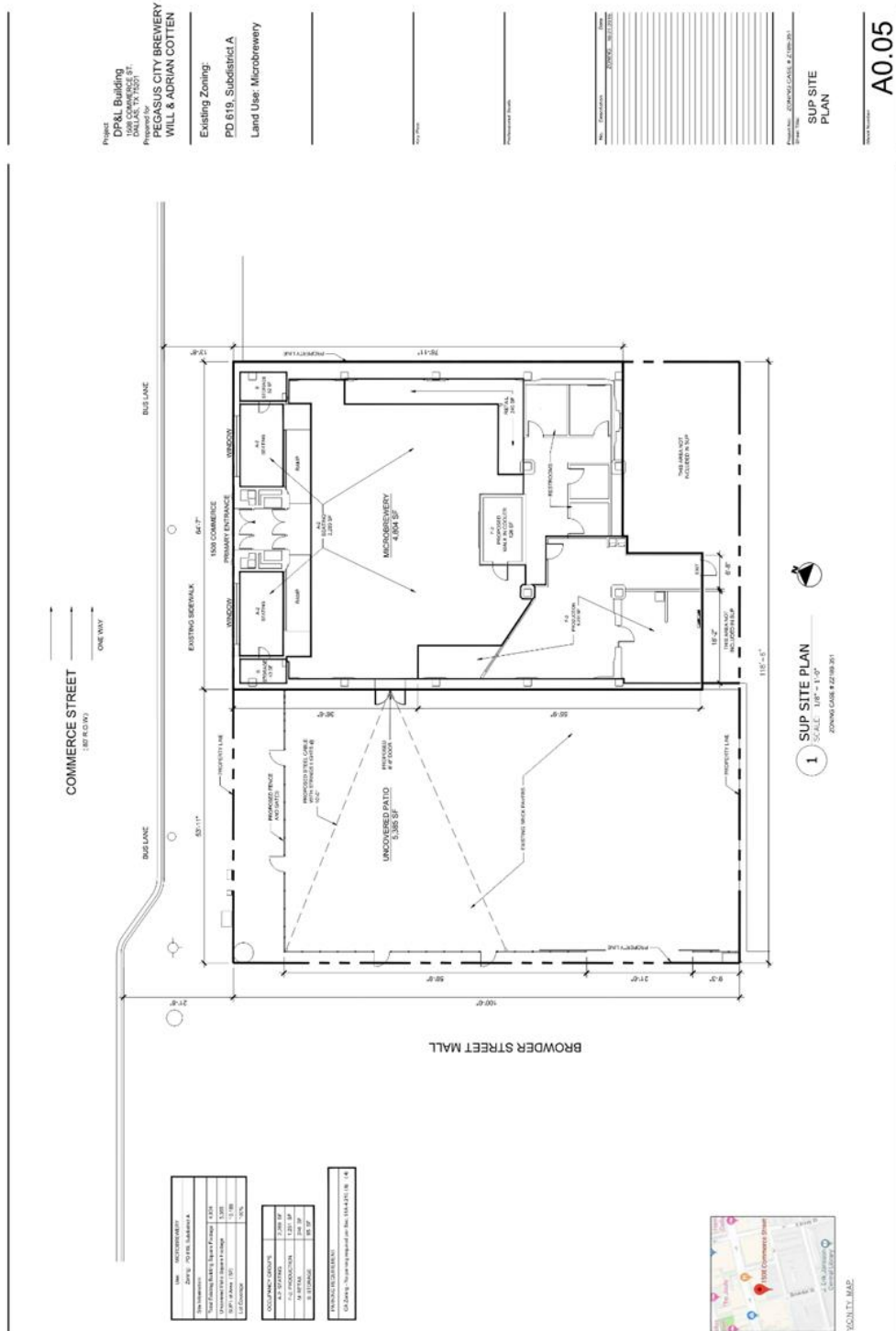
Pegasus City Brewery

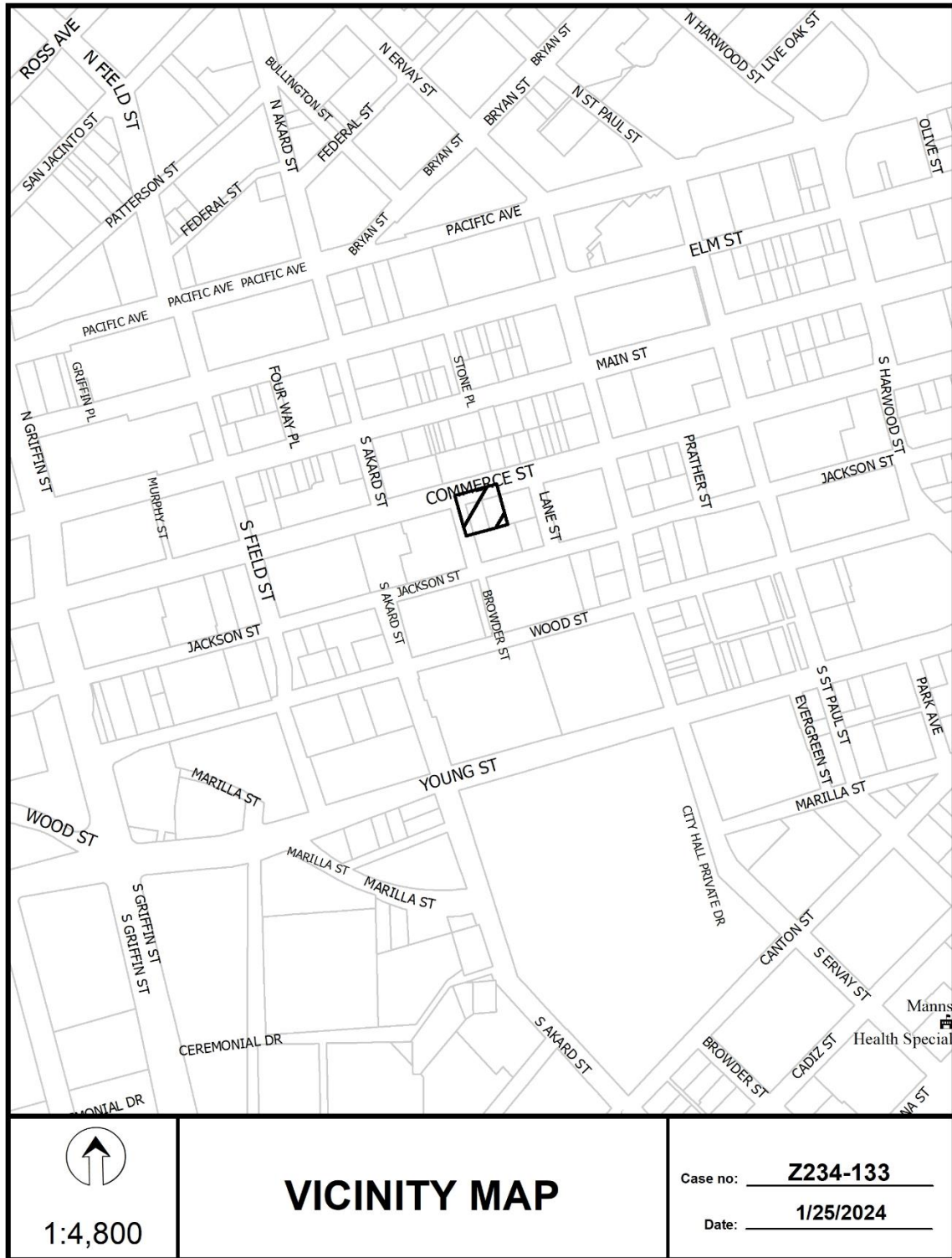
William T. Cotton, President

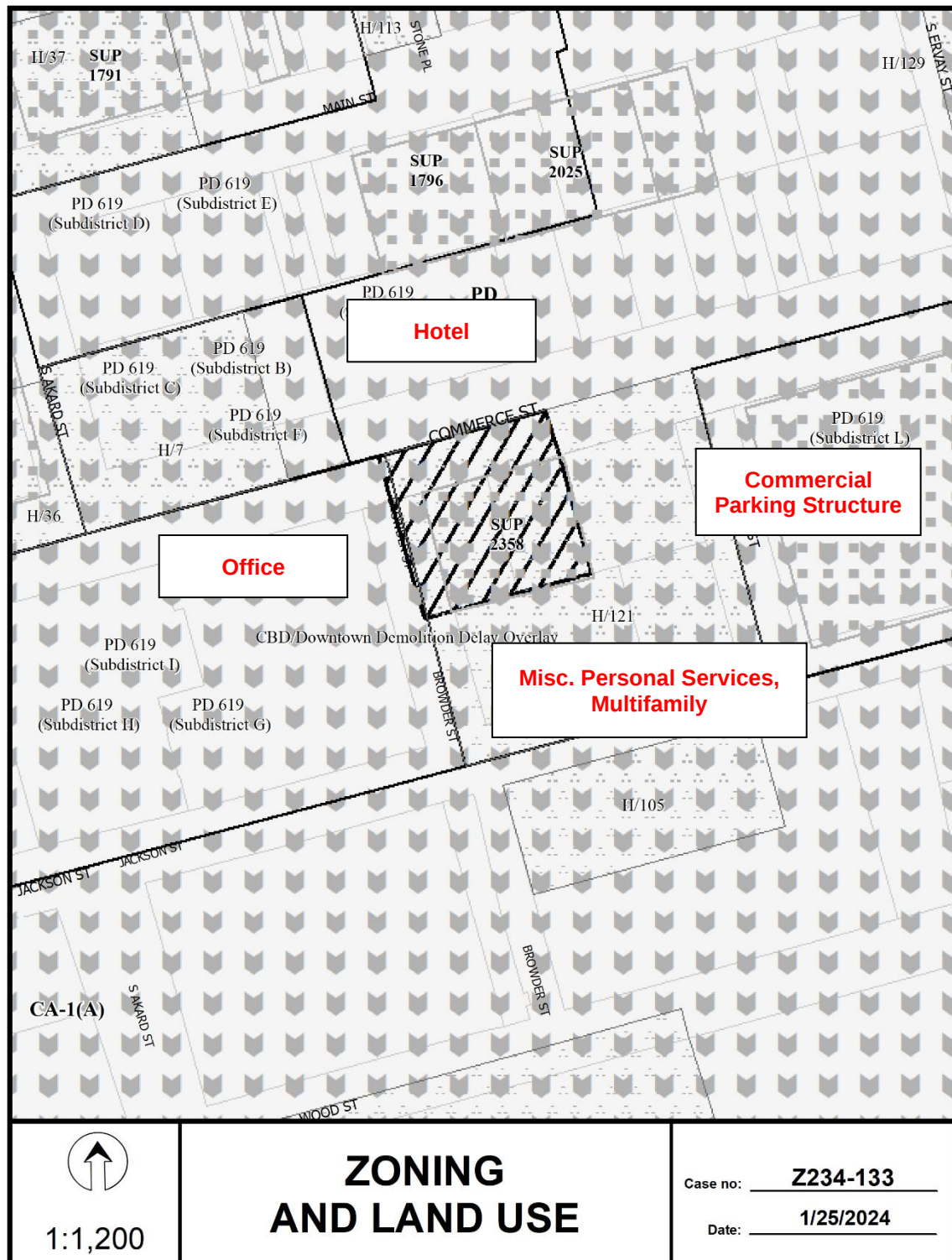
**CPC RECOMMENDED
PROPOSED SUP CONDITIONS**

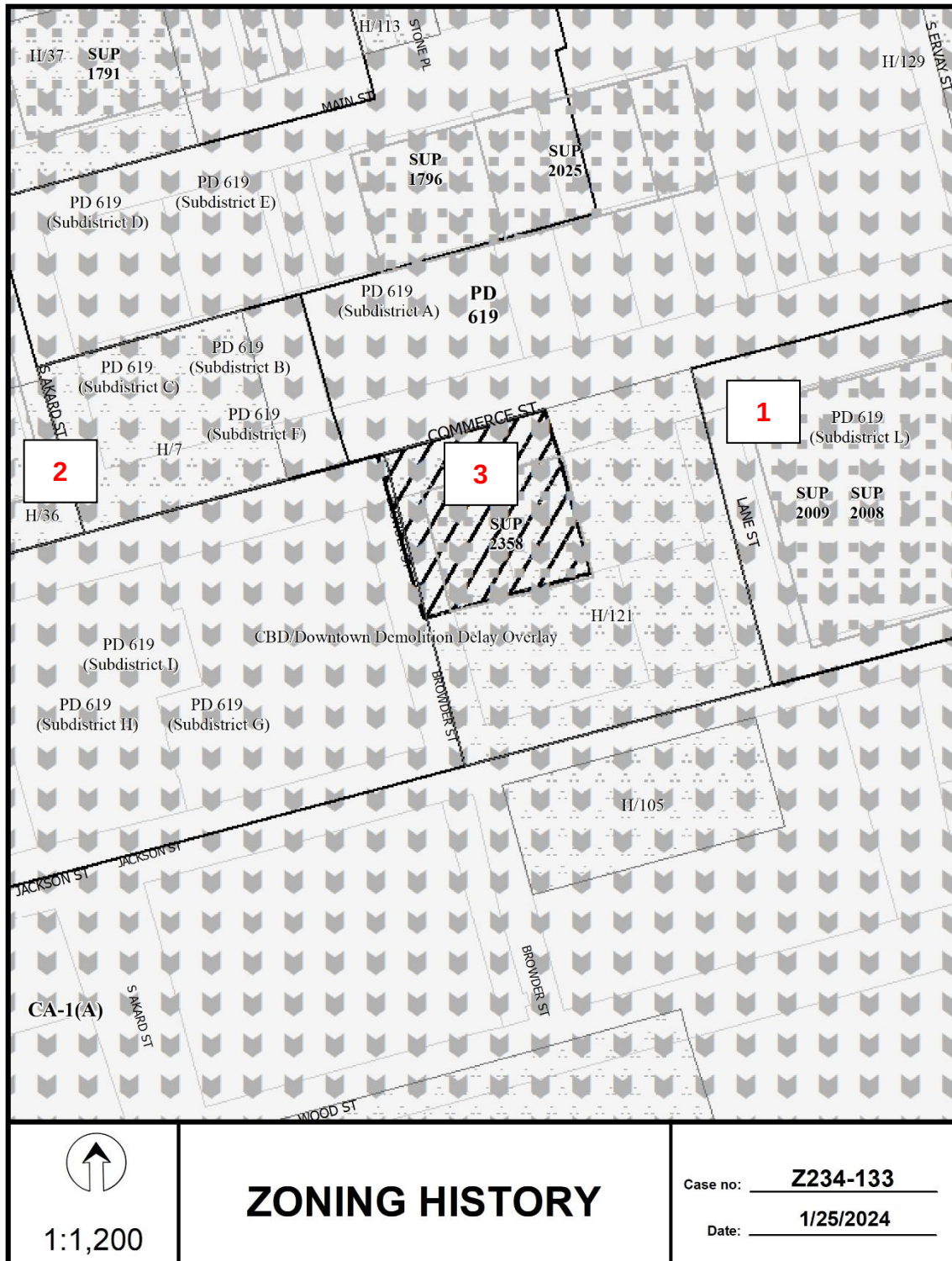
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two 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.

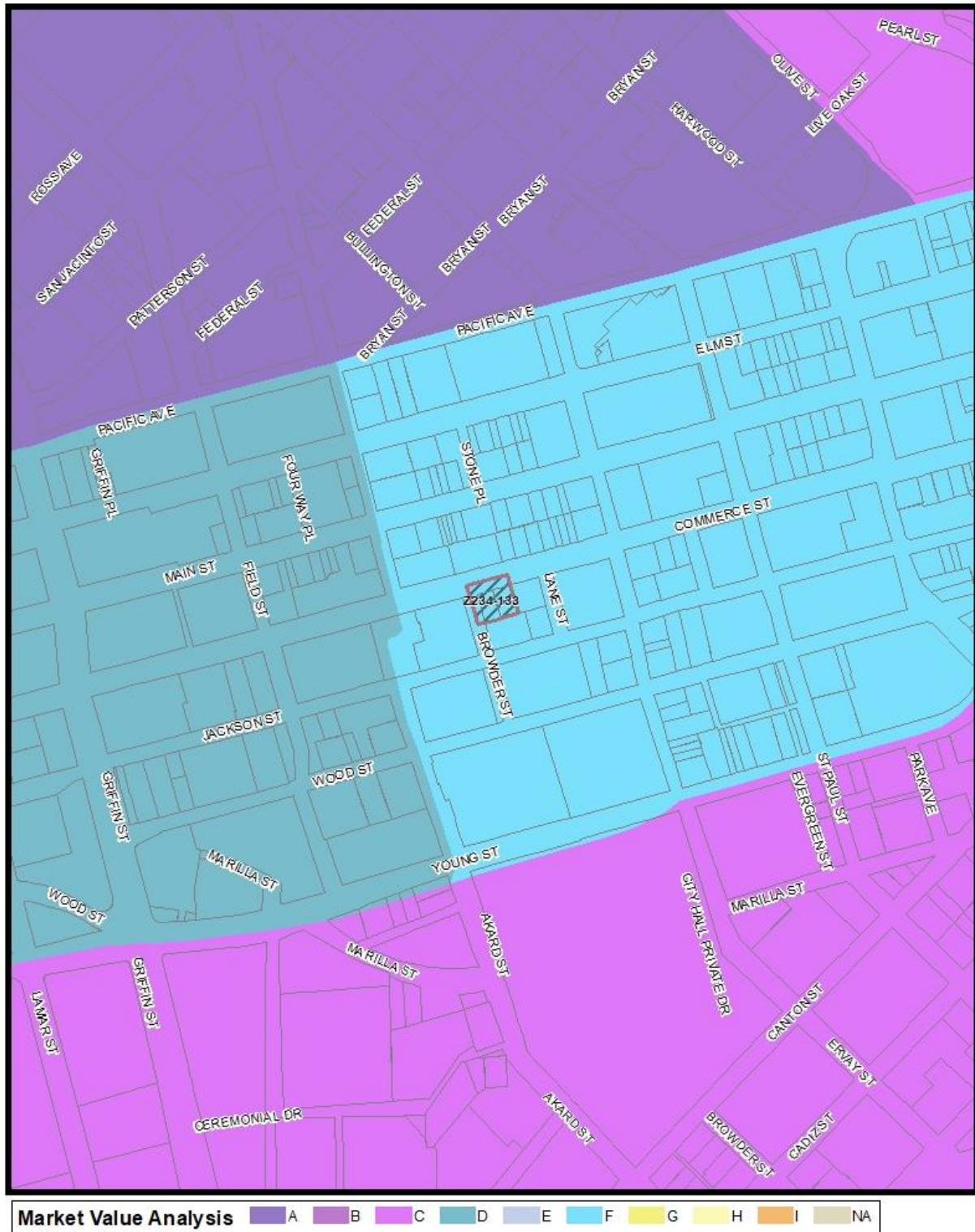
CPC RECOMMENDED PROPOSED SUP SITE PLAN

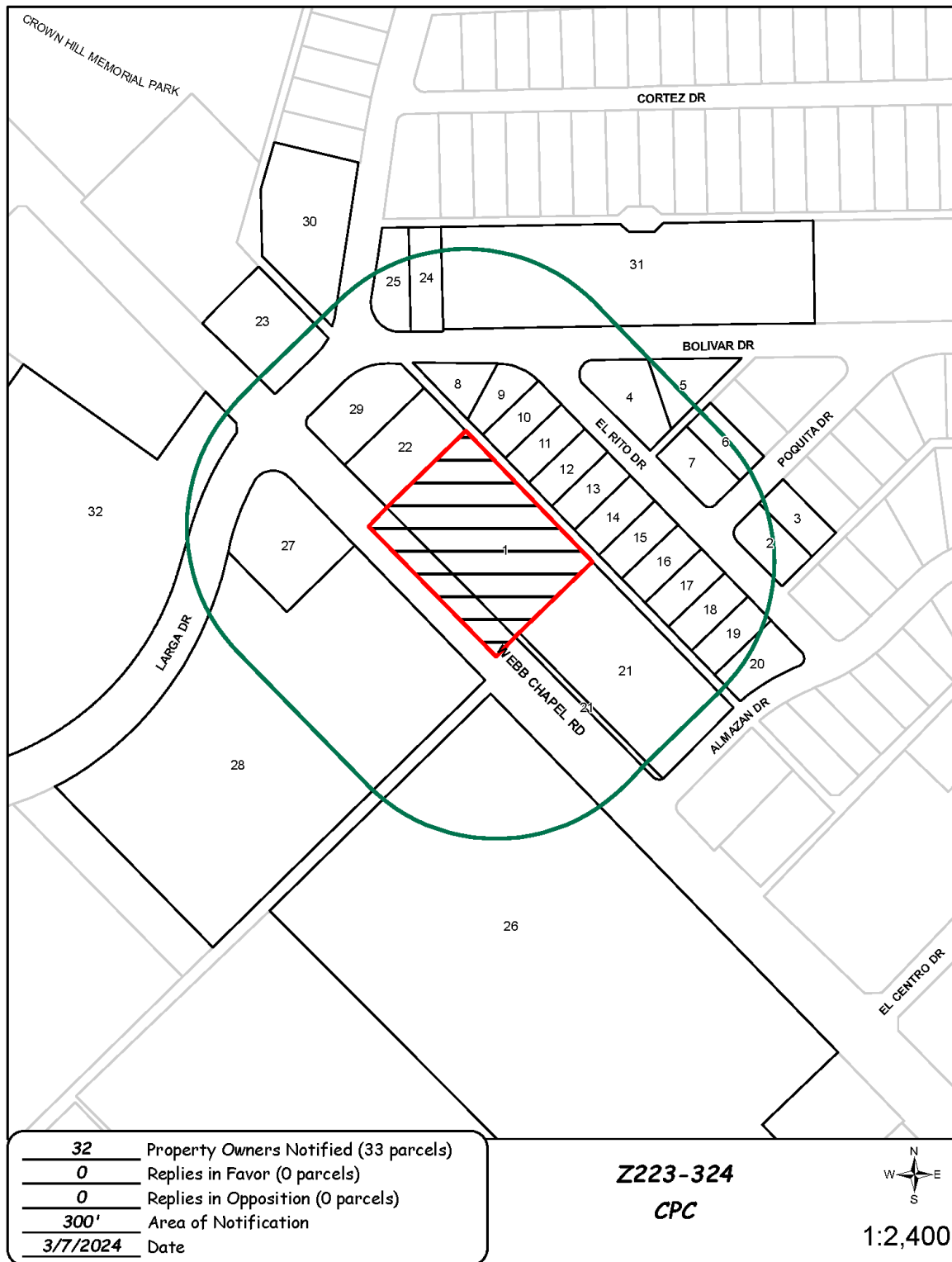












03/06/2024

Reply List of Property Owners***Z234-133******15 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	1520 MAIN LLC
4	1401	COMMERCE ST	SUPREME BRIGHT DALLAS IV LLC
5	1513	COMMERCE ST	1530 MAIN LP
6	1517	COMMERCE ST	1530 MAIN LP
7	1525	COMMERCE ST	POLLOCK ROBERT ETAL
8	1603	COMMERCE ST	KEATING PROPERTIES LLC
9	208	S AKARD ST	SOUTHWESTERN BELL TELEPHONE
10	1400	JACKSON ST	SOUTHWESTERN BELL
11	208	S AKARD ST	WHITACRE TOWER HOLDINGS LP
12	1600	COMMERCE ST	DALPARK PARTNERS LTD
13	1500	JACKSON ST	1500 JACKSON STREET LLC
14	1501	COMMERCE ST	1600 MAIN STREET HOLDINGS LP
15	1530	MAIN ST	DUNHILL 1530 MAIN LP