

FILE NUMBER: Z212-192(JA) **DATE FILED:** February 9, 2022

LOCATION: Southeast line of Junius Street between North Henderson Avenue and the terminus of Dumas Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 0.08-acre **CENSUS TRACT:** 0013.02

APPLICANT/OWNER: Dale Wootton

REQUEST: An application for the renewal of Specific Use Permit No. 2403 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 859 with a D-1 Liquor Control Overlay and an H/128 Historic Overlay, Tract F within the Junius Heights Historic Overlay District.

SUMMARY: The purpose of the request is to allow continuation of the sale of alcoholic beverages in conjunction with an existing restaurant without drive-in or drive-through service. [Garden Cafe]

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

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

Planned Development District No. 859:

<https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20859.pdf>

Planned Development District No. 859 Exhibit A:

<https://dallascityhall.com/departments/city-attorney/articles/Exhibits/859A.pdf>

D and D-1 Liquor Control Overlay Districts:

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-36114

Junius Heights Historic Overlay District No. 128:

[https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/DC H%20documents/pdf/JuniusHeights.pdf](https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/DC%20documents/pdf/JuniusHeights.pdf)

BACKGROUND INFORMATION:

- The request site is part of a single-story, multi-tenant, commercial development and is located in a D-1 Liquor Control Overlay. The 1,776-square-foot indoor space and 825-square-foot outdoor patio with open trellis are used for a restaurant without drive-in or drive-through service.
- The restaurant without drive-in or drive-through service use is permitted by right within Planned Development District No. 859. The D-1 Liquor Control Overlay requires a Specific Use Permit to serve alcoholic beverages in conjunction with the use. The ordinance governing Tract F within Historic Overlay District No. 128, the Junius Heights Historic Overlay District, does not regulate land use.
- On January 27, 2021, City Council approved (1) an ordinance changing the zoning classification of the request site from Planned Development District No. 859 with a D Liquor Control Overlay to Planned Development District No. 859 with a D-1 Liquor Control Overlay, and (2) an ordinance permitting the request site to be used under Specific Use Permit No. 2403 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.
- Specific Use Permit No. 2403 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service was initially approved for a period of 18 months, subject to site plan and conditions, and will expire on July 27, 2022.

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

1. **Z190-283:** On January 27, 2021, City Council approved (1) an ordinance changing the zoning classification from Planned Development District No. 859 with a D Liquor Control Overlay to Planned Development District No. 859 with a D-1 Liquor Control Overlay, and (2) an ordinance permitting the Property to be used under Specific Use Permit No. 2403 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. *[subject site]*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
Junius Street	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*, adopted by City Council in June 2006, 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

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 businesses within the region.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

ENVIRONMENT ELEMENT

GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY

Policy 6.3.3 Limit vehicle miles traveled.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 859 with a D-1 Liquor Control Overlay H/128 – Junius Heights Historic Overlay District	Restaurant without drive-in or drive-through service
Northwest	PD No. 97 H/11 – Munger Place Historic Overlay District	Public park; Single family and small multifamily
Northeast	PD No. 859 with a D Liquor Control Overlay NS(A) with a D Liquor Control Overlay PD No. 397 H/128 – Junius Heights Historic Overlay District	Surface parking; Single family and small multifamily
Southeast	NS(A) with a D Liquor Control Overlay PD No. 397 H/128 – Junius Heights Historic Overlay District;	Single family and small multifamily
Southwest	PD No. 859 with a D Liquor Control Overlay H/128 – Junius Heights Historic Overlay District PD No. 97 H/11 – Munger Place Historic Overlay District	Retail; Office; Child-care; Single family and small multifamily

Land Use Compatibility:

The area of request site is part of a small commercial development embedded within an established low-density residential neighborhood. The applicant requests to continue to sell alcoholic beverages in an existing 1,776-square-foot restaurant without drive-in or drive-through service with an 825-square-foot concrete patio with an open trellis to the rear of the restaurant. A Specific Use Permit is required to serve alcoholic beverages in the D-1 Liquor Control Overlay.

Immediately to the northeast of the request site is a surface parking lot serving all uses in the commercial development, which includes retail, office, and child-care uses in the remaining suites to the southwest of the area of request. In the median of Junius Street to the northwest is a public park. The surrounding neighborhood contains a mix of single family and small multifamily residential uses.

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 request to allow continuation of the sale of alcoholic beverages in conjunction with the existing restaurant. In general, the request is consistent with the existing zoning and with the general provisions for a Specific Use Permit. The continued sale of alcoholic beverages in conjunction with the existing restaurant should not be a detriment to the adjacent properties because the Specific Use Permit requires periodic review to ensure the site continues to comply with approved plans and other regulations. The applicant requested renewal of SUP No. 2403 for a period to expire on December 1, 2028. However, for consistency with similar requests, staff recommended (and applicant subsequently agreed to) a renewal period of two years from the passage of the ordinance, with eligibility for automatic renewal for one additional three-year period.

At the June 16, 2022, the City Plan Commission recommended approval of the renewal of SUP No. 2403 for a period of five years from the passage of the ordinance with no automatic renewal. Staff has no objection to the CPC-recommended renewal period.

Landscaping:

The applicant's request does not trigger any landscaping requirements.

Parking:

Parking must be provided in accordance with the requirements of Planned Development District No. 859. [Ref. Sec. 51P-859.109]

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 (A through C), to orange, representing the weakest markets (G through

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I). The area of request is not located within an MVA cluster; however, "C" MVA areas surround the request site.

Police Report:

Staff obtained the following statistics from the Dallas Police Department for the time period beginning January 27, 2021:

- *Offenses:* No Data for time period requested
- *Calls:*

Incident Number	Date	Time	Case Number	Problem	Priority Description
21-0388353	3/4/2021	16:53	N/A	40 – Other	3 – General Service
21-0387768	3/4/2021	15:20	037040-2021	09V – UUMV	4 – Non-Critical

- *Arrests:* No Data for time period requested

List of Partners/Principals/Officers

Garden Cafe LTD

Dale Wootton, General Partner

Dale Wootton, Family Limited Partnership, Limited Partner

CPC ACTION
JUNE 16, 2022

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 2403 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a five-year period, subject to staff's recommended conditions on property zoned Planned Development District No. 859 with a D-1 Liquor Control Overlay and an H/128 Historic Overlay, Tract F within the Junius Heights Historic Overlay District, on the southeast line of Junius Street, between North Henderson Avenue and the terminus of Dumas Street.

Maker: Kingston
Second: Blair
Result: Carried: 12 to 0

For: 12 - Popken, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Vann
Vacancy: 1 - District 3
Conflict: 1 - Hampton**

**out of the room, when vote taken

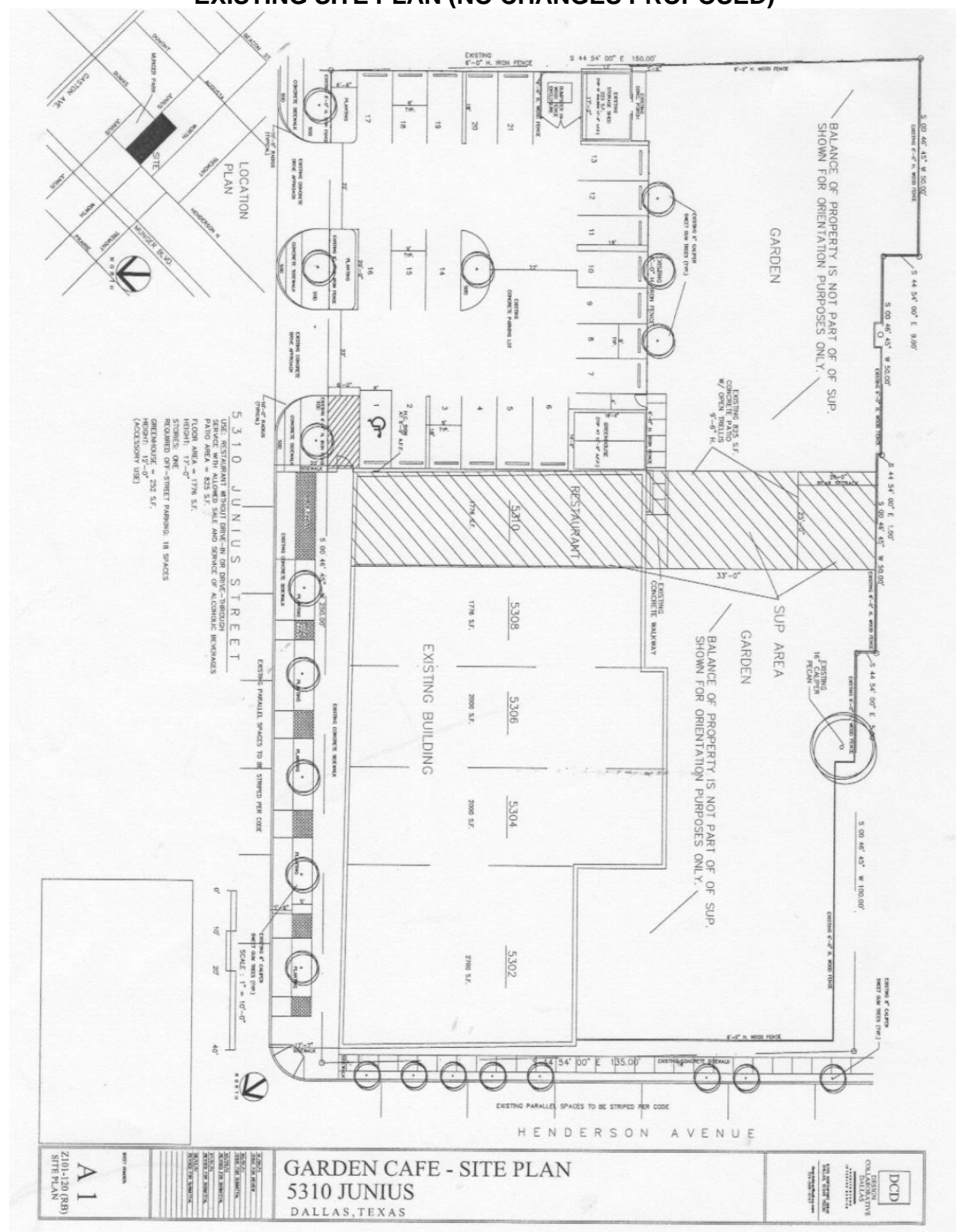
Notices: Area: 200 Mailed: 19
Replies: For: 5 Against: 0

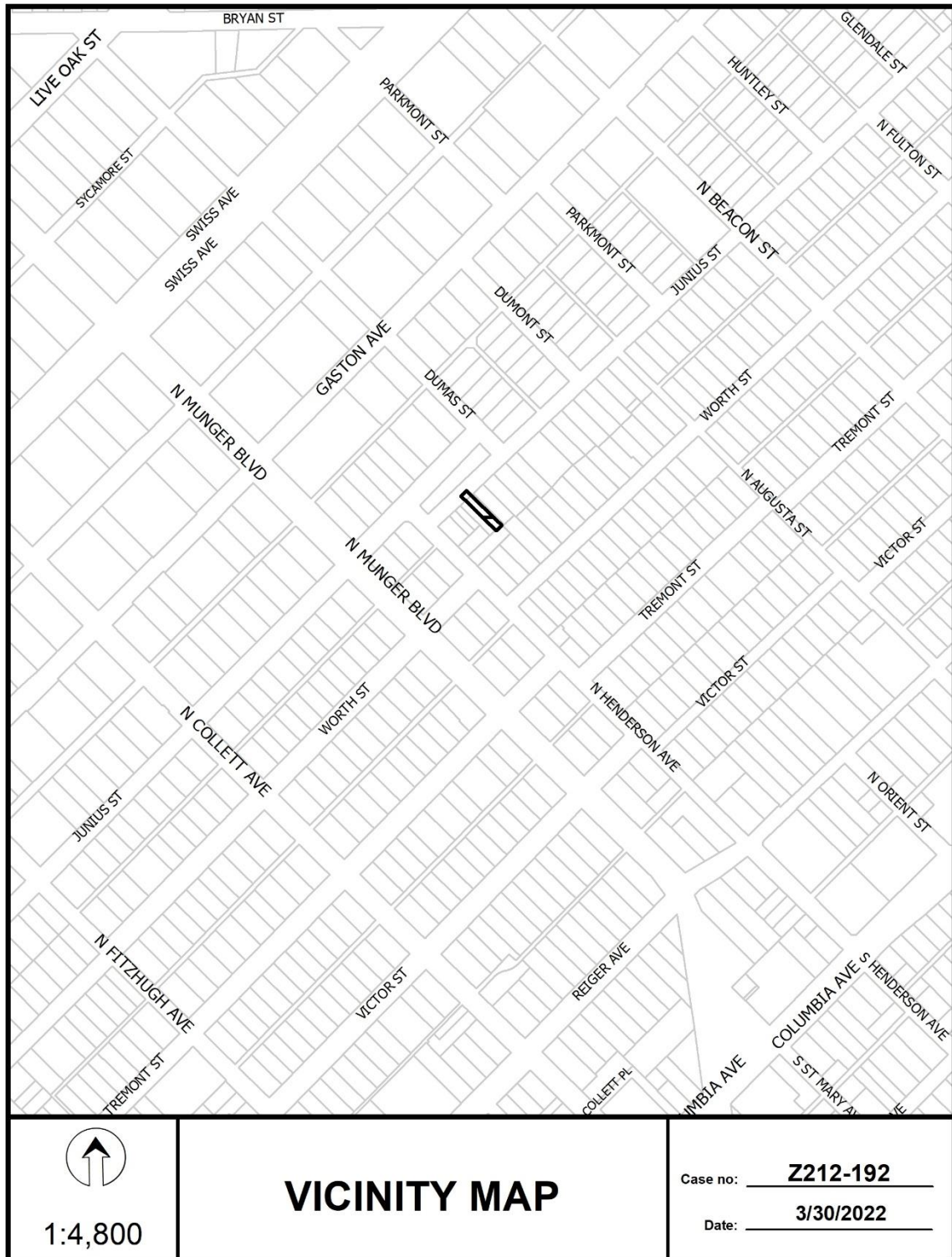
Speakers: For: Mark Wootten, 612 N. Henderson Ave., Dallas, TX, 75214
Against: None

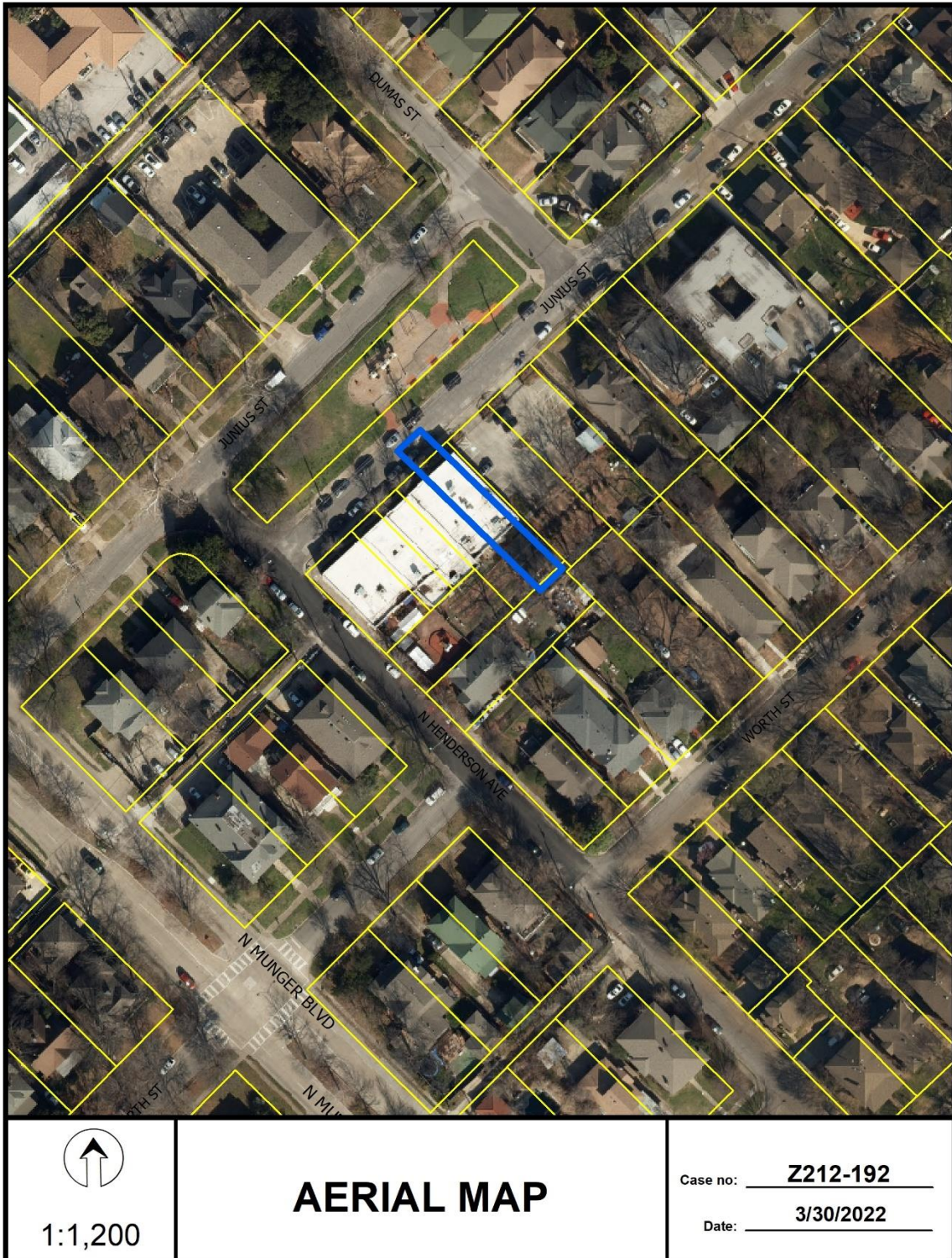
CPC RECOMMENDED CONDITIONS

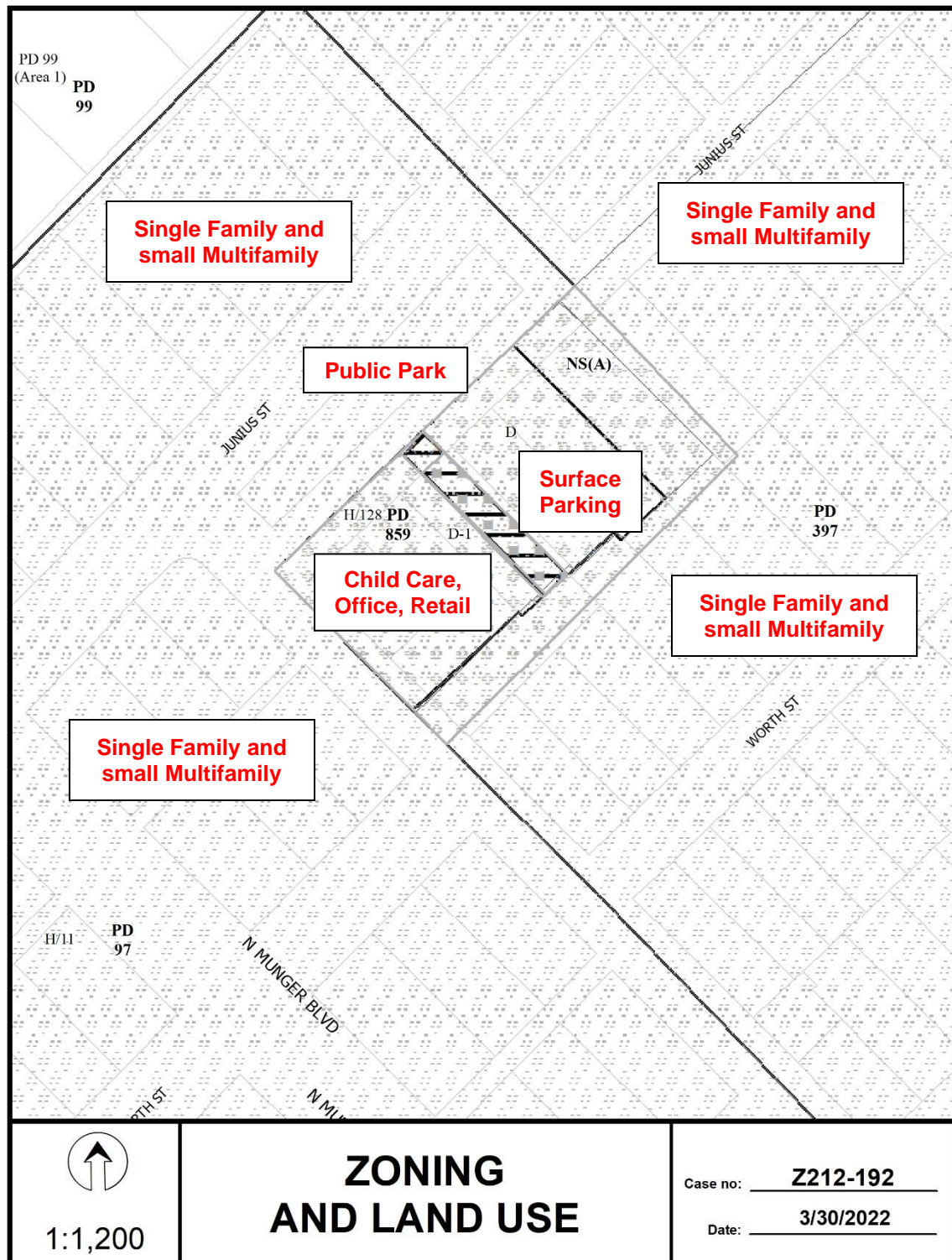
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance) [July 27, 2022].
4. FLOOR AREA: The maximum floor area is 1,776 square feet in the location shown on the attached site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

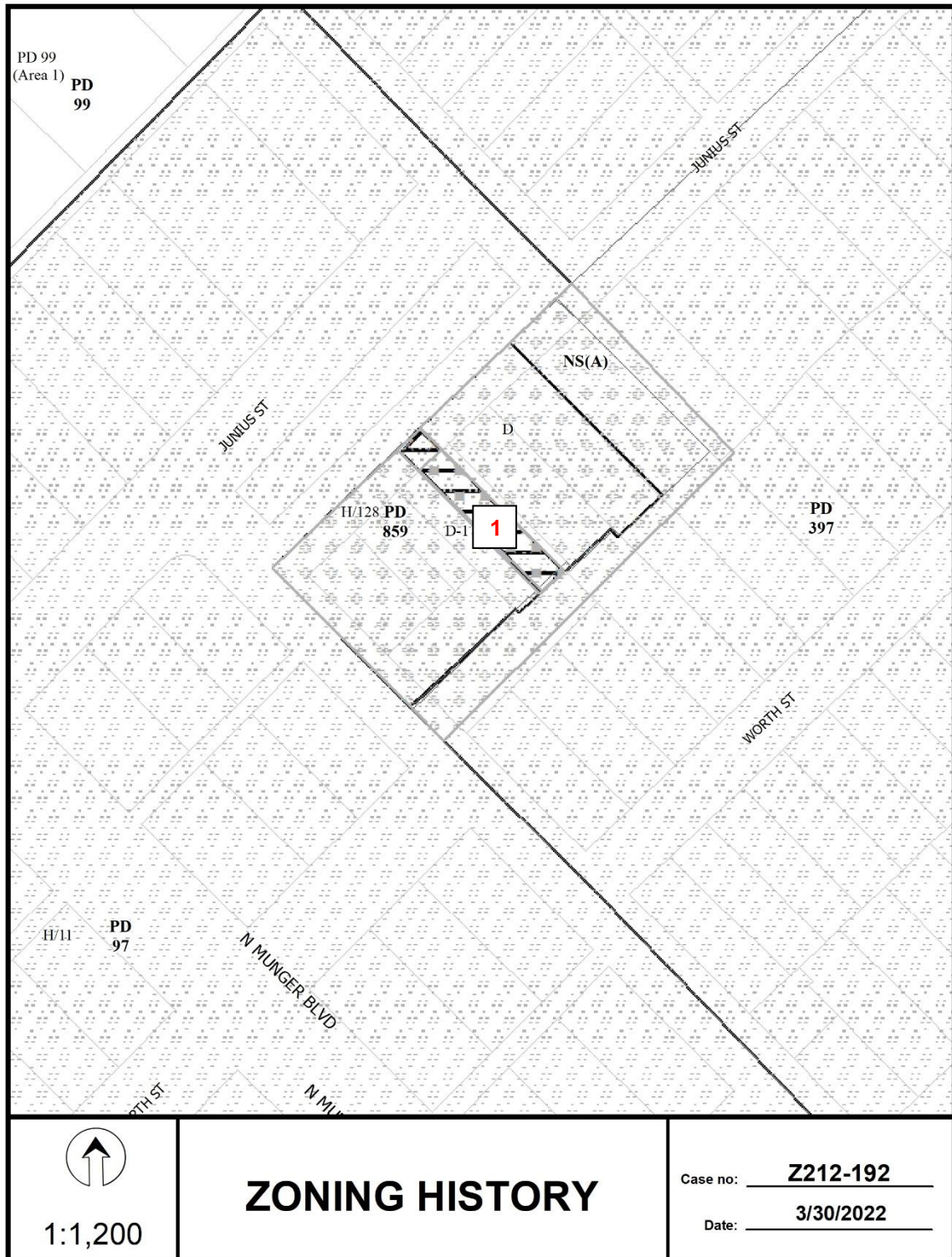
EXISTING SITE PLAN (NO CHANGES PROPOSED)

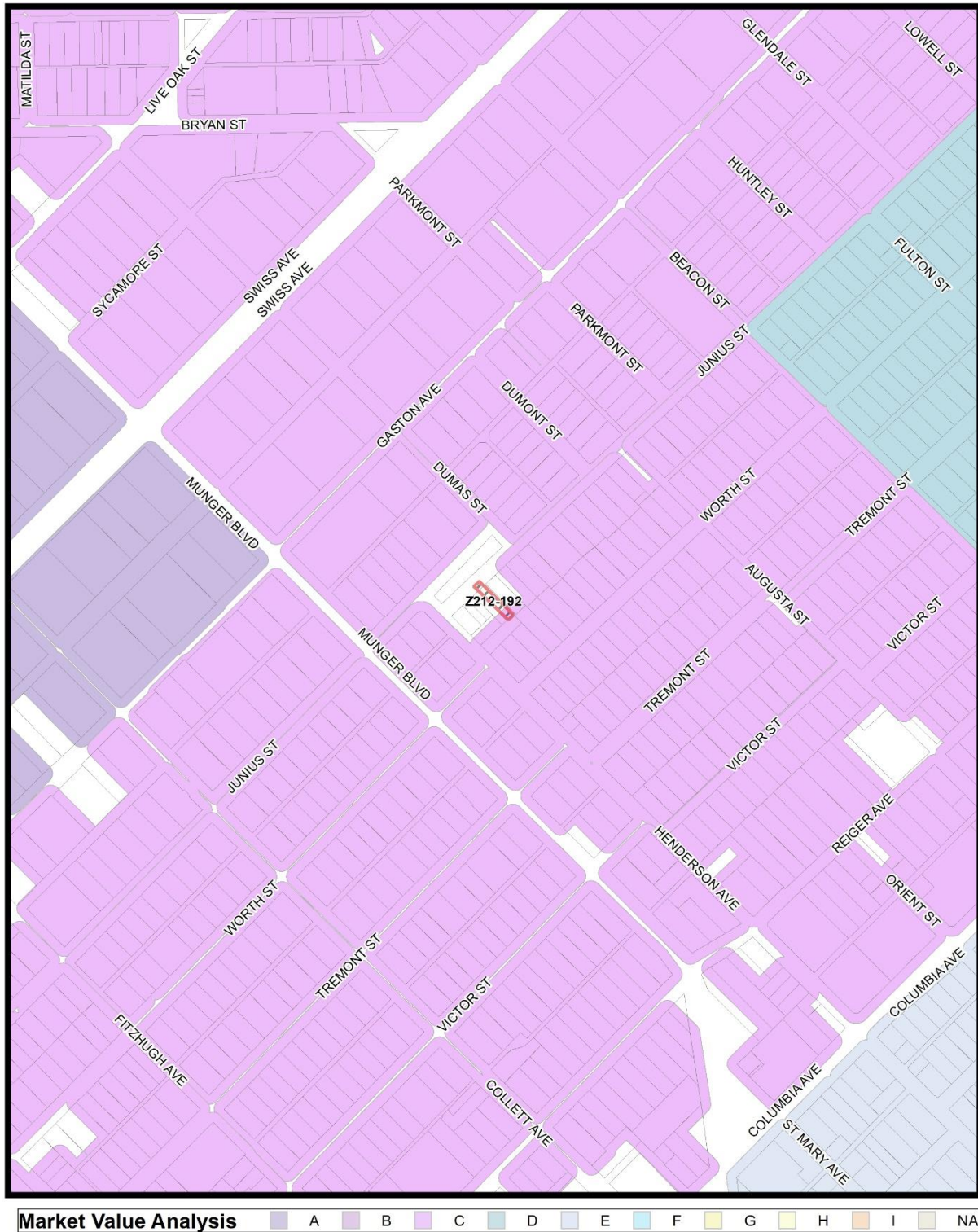












1:4,800

Market Value Analysis

Printed Date: 3/30/2022



06/15/2022

Reply List of Property Owners***Z212-192******19 Property Owners Notified 5 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	5304 JUNIUS ST	WOOTTON ROBERT DALE
O	2	612 N HENDERSON AVE	WOOTTON DALE
	3	5326 JUNIUS ST	GRAHAM ERIC & ELEANOR
	4	5315 WORTH ST	OBRIEN DEBORAH
	5	5311 WORTH ST	JIMENEZ RAYMOND
	6	5323 WORTH ST	BROWN JASON & TRACI
	7	5322 JUNIUS ST	SHAW JOHN STEPHENS EST OF
	8	5319 WORTH ST	RATNER SETH &
	9	5327 WORTH ST	RAMOS EMIL M
	10	5301 WORTH ST	CARROLL ROBERT W & MARY J
	11	5307 WORTH ST	Taxpayer at
	12	5212 JUNIUS ST	NEWMAN RICHARD J
O	13	5211 WORTH ST	STAYER MARIANNE
	14	5301 JUNIUS ST	JONESTEIN ANDREW M &
O	15	5305 JUNIUS ST	MILLER DONNA C
	16	5309 JUNIUS ST	LIBSON JOSEPH LIONEL
	17	5317 JUNIUS ST	STASIA CAPITAL TEXAS LLC
	18	5327 JUNIUS ST	USREY TOM & CINDY E
O	19	700 DUMAS ST	HAMPTON JOANNA LAWSON &