

FILE NUMBER: Z201-125(HC) **DATE FILED:** November 6, 2020

LOCATION: East side of Market Center Boulevard, southeast of Oak Lawn Avenue

COUNCIL DISTRICT: 6 **MAPSCO:** 44 H

SIZE OF REQUEST: Approx. 0.19 acres **CENSUS TRACT:** 100.00

REPRESENTATIVE: Kiesha Kay, MASTERPLAN

APPLICANT/OWNER: ICP 1622 Market Center Blvd., LP

REQUEST: An application for the renewal of Specific Use Permit No. 2326 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The purpose of this request is to continue the operation of an alcoholic beverage establishment in an approximately 1,696-square-foot suite within an existing one-story building [The Charles].

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

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

BACKGROUND INFORMATION:

- Planned Development District No. 621 was established by City Council on August 28, 2002 and contains approximately 421 acres divided into 11 subdistricts.
- The area of request is within Subdistrict 1 and is currently developed with a one-story, approximately 3,375-square-foot building containing an office/ showroom warehouse and restaurant use.
- The applicant is requesting to continue operating an alcoholic beverage establishment in an approximately 1,696-square-foot suite that is in the rear of the existing building.
- An alcoholic beverage establishment is allowed in Subdistrict 1 by SUP only.
- On March 27, 2019, City Council approved Specific Use Permit No. 2326 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use at the subject site for a two-year time period.

Zoning History: There have been two zoning change requests in the vicinity during the last five years.

1. **Z189-116:** On March 27, 2019, City Council approved Specific Use Permit 2326 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use at the subject site for a two-year time period, subject to a site plan and conditions.
2. **Z190-136:** On October 15, 2020, City Plan Commission approved a request to determine proper zoning on property zoned Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on area generally bounded by Sylvan Avenue/Wycliff Avenue, the meanders of the old channel of the Trinity River, Interstate 35, Continental Avenue, and the Trinity River Floodway. [Pending City Council action on February 24, 2021].

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Market Center Boulevard	Principal Arterial	100 feet	106 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the original SUP request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

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 2.1 PROMOTE BALANCED GROWTH

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

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.

Land Use:

	Zoning	Land Use
Site	PD No. 621 Subdistrict 1 with SUP No. 2326	Office, Personal Service, bar, lounge, or tavern
North	PD No. 621 Subdistrict 1 with SUP No. 2082	Office/Showroom Warehouse, General Merchandise and Motor Fueling Station
East	PD No. 621 Subdistrict 1	Office/Showroom Warehouse
South	PD No. 621 Subdistrict 1	Restaurant, Retail, Personal Services
West	PD No. 621 Subdistrict 1	Restaurant, Personal Service

Land Use Compatibility:

The applicant proposes to continue operating an alcoholic beverage establishment in an approximately 1,696-square-foot suite within the existing building. The continued

operation of the alcoholic beverage establishment use is consistent with the commercial uses within the immediate area. The use has been in operation since 2019.

Uses surrounding the area of request include a mix of office/showroom warehouse uses primarily located to the north and east of the area of request; and retail and personal service uses including restaurants located to the south across Market Center Boulevard, and to the northwest at the intersection of Oak Lawn Avenue and Market Center Boulevard. A general merchandise or food store with motor vehicle fueling station is also located at this intersection.

Subdistrict 1 within PD No. 621 is considered a transit-oriented, mixed-use zoning district for the development of combinations of medium to high-density residential, retail, and office uses. Day-time and night-time activity is encouraged in this district. Recent developments and the adaptive reuse of existing structures in the area surrounding the subject site, are promoting this dynamic mix of uses. The use will continue to be compatible with the surrounding area and is not foreseen to have a negative impact from a land use perspective. The Fire Department noted a violation regarding the fire wall being taken down and the applicant should work with the Fire Department to resolve it.

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 has determined the request complies with the general provisions for consideration of approval of the SUP renewal as the request is consistent with the character of the neighborhood and does not pose a negative impact. Although the applicant is requesting the renewal for a five year period with eligibility for automatic renewal for additional five years, staff believes that it would be beneficial to reevaluate the use and its impact in three years since this is the first renewal request for this use, therefore, staff recommends approval for three years.

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 site is not within an identifiable MVA Category.

Parking:

The parking regulations in Subdistrict 1 within Planned Development District No. 621 establish that for the proposed alcoholic beverage establishment use, one off-street parking space is required for every 105 square feet of floor area. [Sec.51P-621.110(b)(1)(A)]

The bar, lounge or tavern occupies an approximate 1,696-square-foot suite within the existing building, per the parking regulations, 16 off-street parking spaces are required for this use.

The same parking regulations require that for an office/showroom warehouse use, one space per 1,100 square foot of floor area up to 20,000 square feet must be provided. [Sec.51P-621.110(b)(1)(N)]. Subtracting the area of the suite used for the bar from the total square footage of the building, the office/showroom warehouse use would be approximately 1,679 sq. ft. Based on the requirement, the existing office/showroom warehouse use will require a minimum of two parking spaces, requiring 18 parking spaces for the building.

As depicted on the site plan, 13 off-street parking spaces are provided in the rear of the property and five on-street parking are located in front of the existing building for a total of 18 parking spaces.

The parking regulations for PD No. 621 also include provisions for parking reductions that allow to credit on-street parking towards the off-street parking requirement of uses on the building site, even if the parking, backing or maneuvering must be performed in the public right-of-way. [Sec. 51P-621-110(b)(2)(C)]

Landscaping:

The request does not trigger landscaping requirements per PD No. 621 and Article X of the Dallas Development code, as amended.

Police Report:

Staff requested a report of site-related crime statistics for a time period starting March 2019 to date. The crime statistics obtained reported no arrests, offenses, or calls placed to the emergency call system.

LIST OF OFFICERS

ICP 1622 Market Center Blvd., LP

- 0% general partner ICP 1622 Market Center Blvd. GP, LLC, and
- 100% limited partner Indian Creek Partners, LP

ICP 1622 Market Center Blvd., GP, LLC – General Partner

- Henry Seeligson, Manager
- Suzanne S. Nash, Manager
- Cameron R. Nash, Manager

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT:

CPC recommendation:

This specific use permit expires on _____ (three-year period from the passage of this ordinance).

Applicant request:

This specific use permit expires on _____ (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. FLOOR AREA: The maximum floor area for an alcoholic beverage establishment limited to a bar, lounge, or tavern, is 1,696 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern, may only operate between 6:00 p.m. and 12:00 a.m. (the next day), Monday through Thursday, and between 6:00 p.m. and 2:00 a.m. (the next day), Friday and Saturday.
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 ACTION
April 8, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2326 for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a three-year period, subject to a site plan and conditions on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue.

Maker: Carpenter
Second: Rubin
Result: Carried: 13 to 0

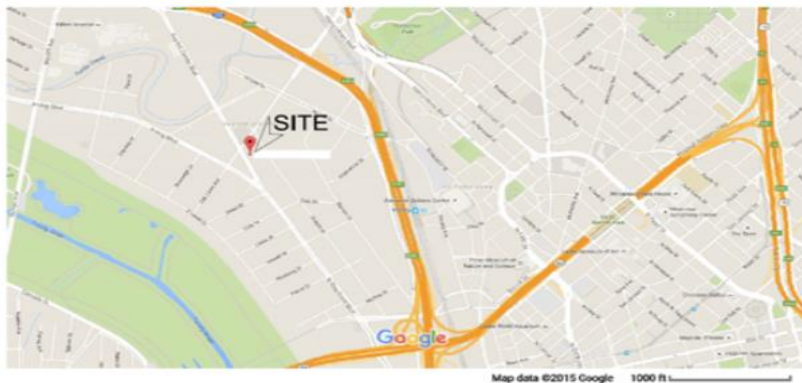
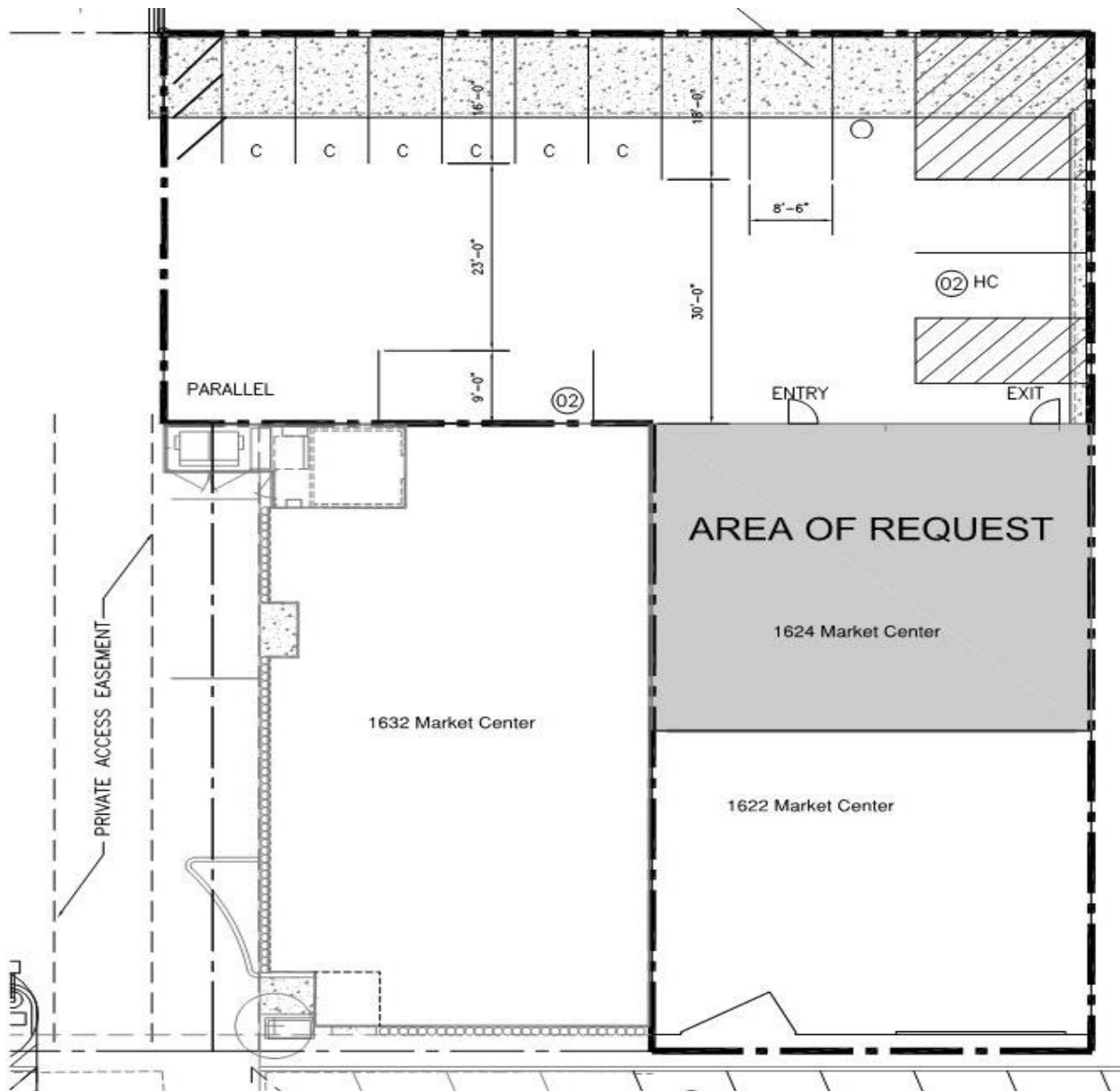
For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Garcia, Rubin

Against: 0
Absent: 1 - Murphy
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 30
Replies: For: 2 Against: 0

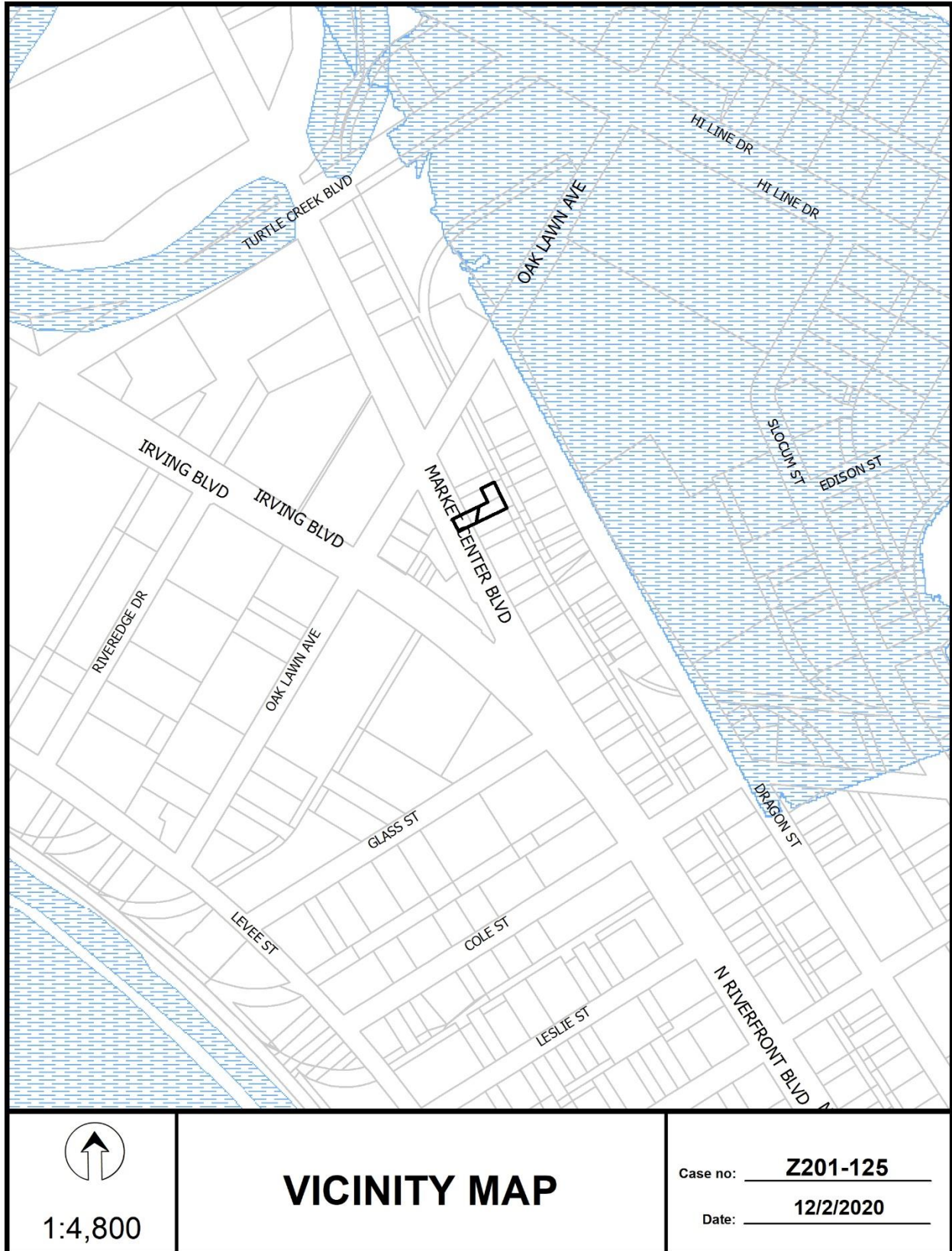
Speakers: For: Kiesha Kay, 2201 Main St., Dallas, TX, 75201
Against: None

EXISTING SITE PLAN (No Changes)



SITE SUMMARY

ZONING: PDD 621 SD 1
 LOT AREA: .19 acres
 PROPOSED USE: alcoholic beverage establishment
 FLOOR AREA: 1696 S.F.
 OTHER USES: office showroom warehouse
 REQUIRED PARKING: 16
 PROVIDED PARKING: 18



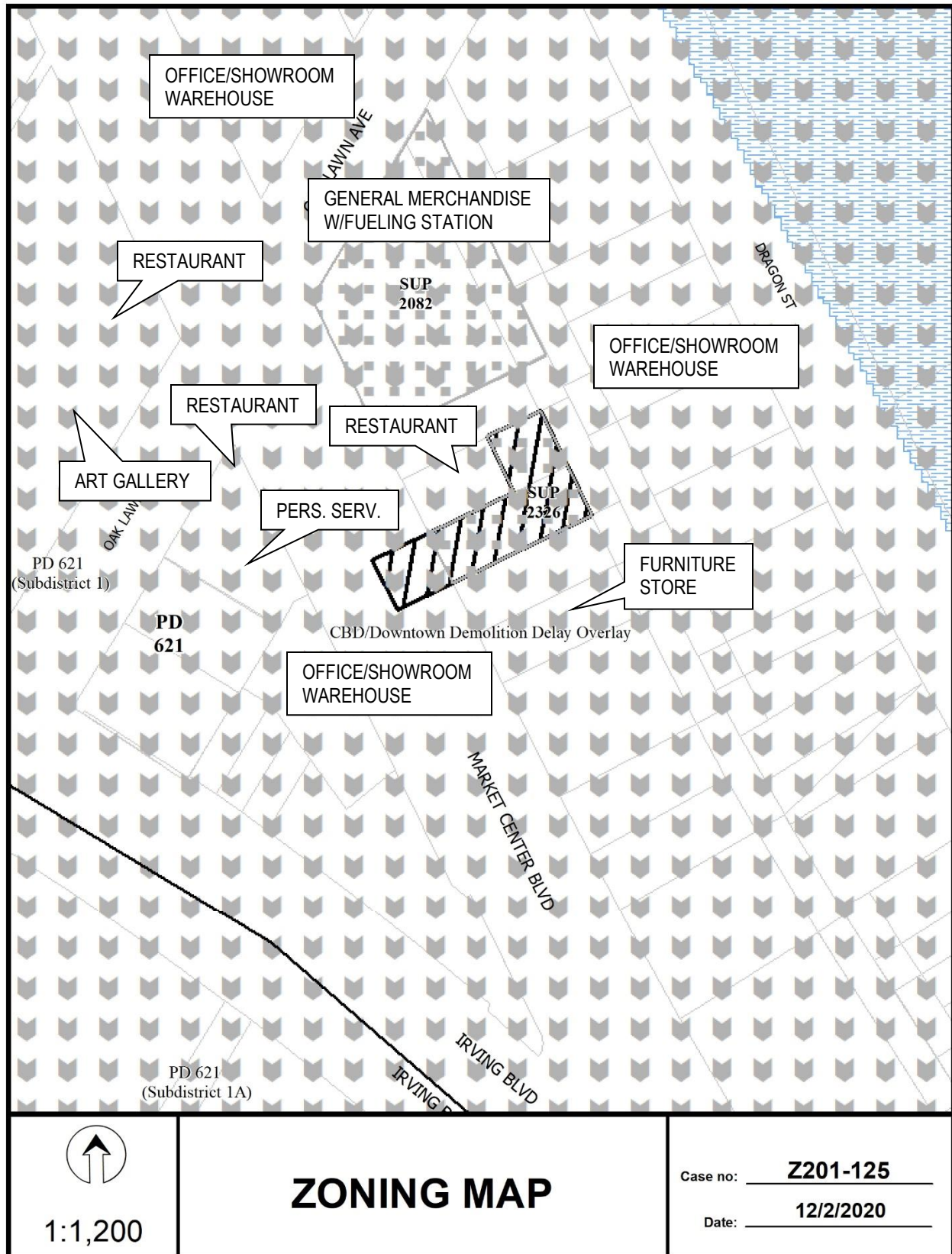


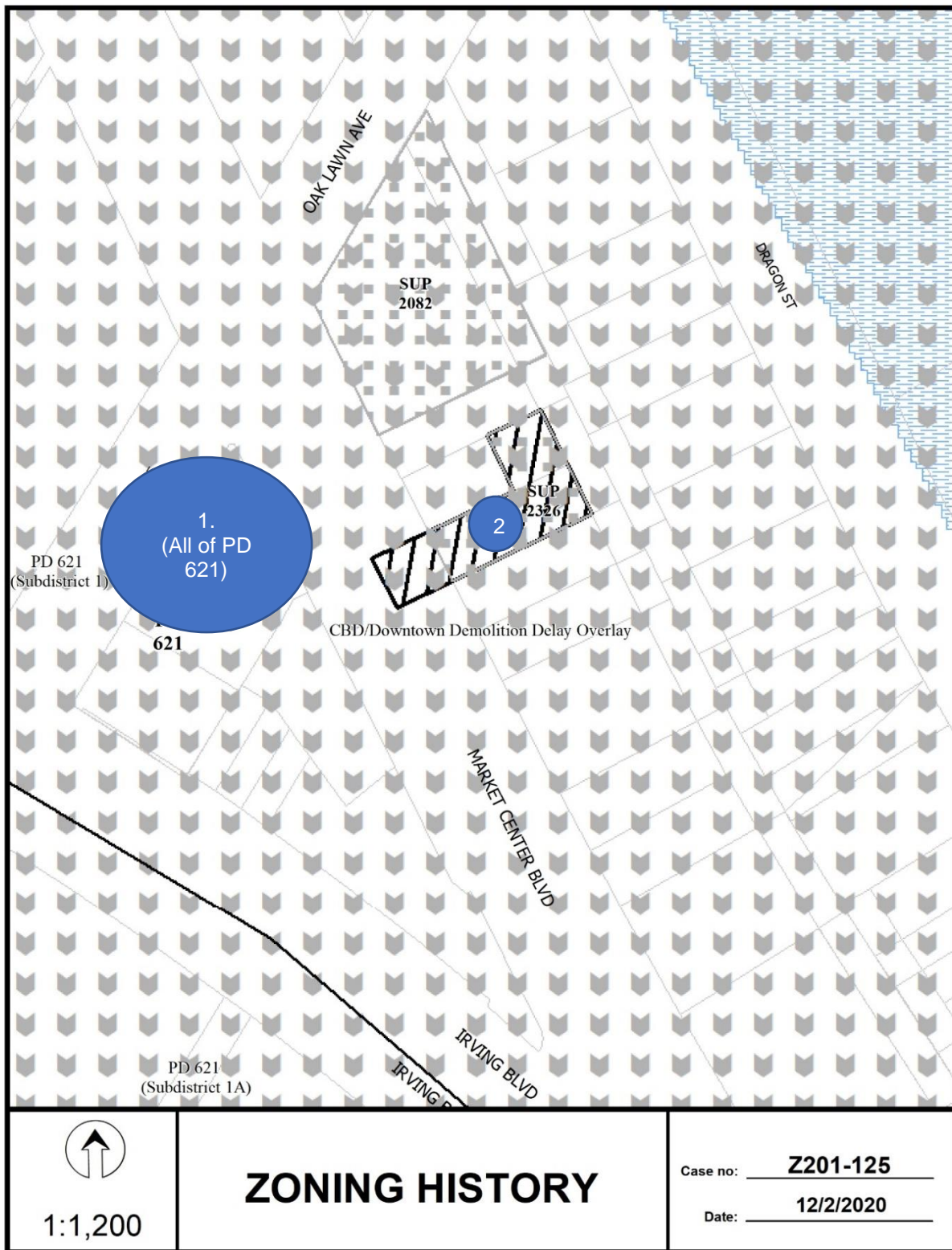
1:1,200

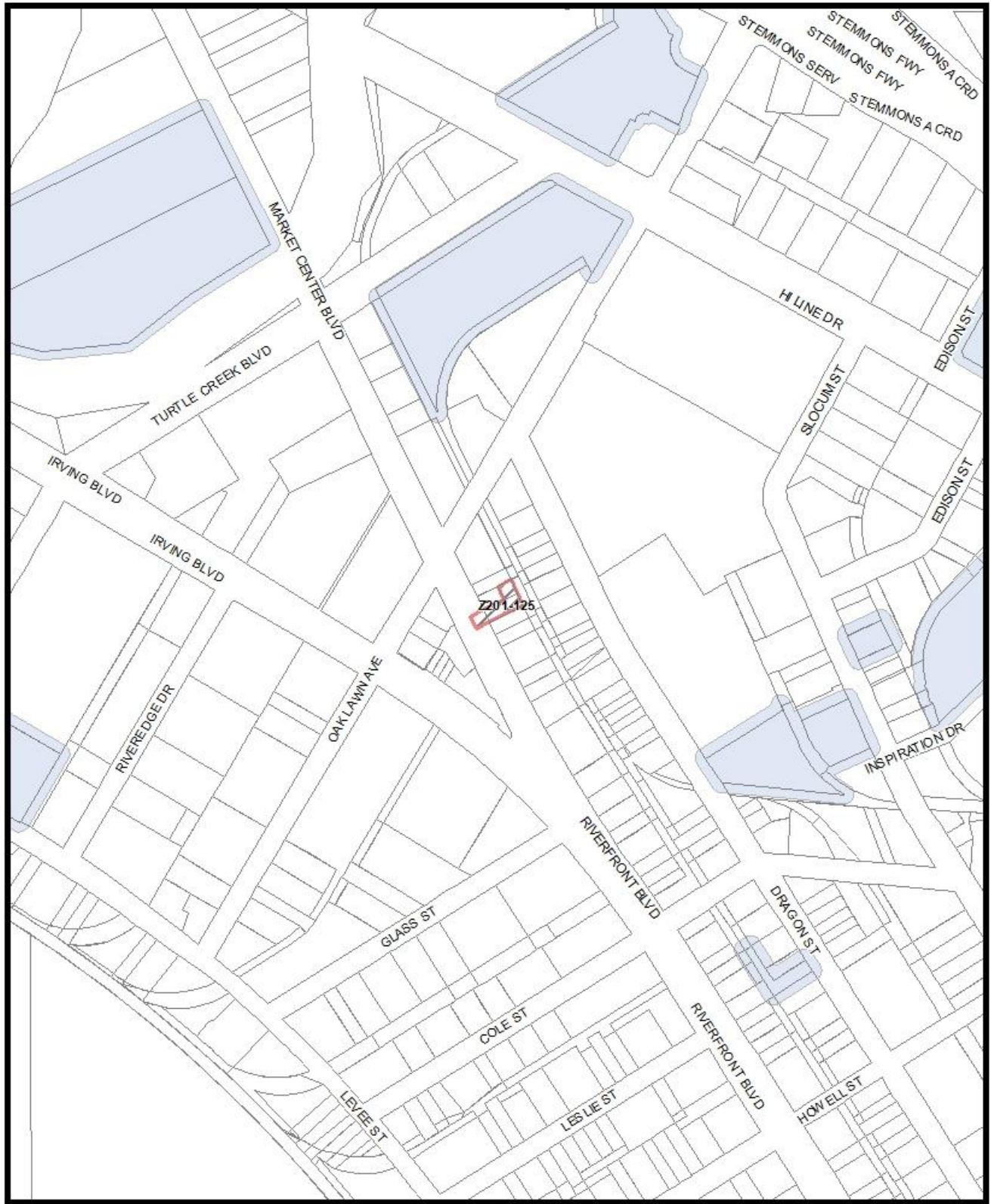
AERIAL MAP

Case no: **Z201-125**

Date: **12/2/2020**







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

1:4,800

Market Value Analysis

Printed Date: 12/2/2020

CPC RESPONSES



<u>30</u>	Property Owners Notified (42 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>4/8/2021</u>	Date

Z201 -125
CPC



1:1,200

03/03/2021

Reply List of Property Owners***Z201-125******30 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	1622 MARKET CENTER BLVD	Taxpayer at
	2	1624 MARKET CENTER BLVD	ICP 1622 MARKET CENTER BLVD LP
	3	1602 MARKET CENTER BLVD	Taxpayer at
	4	1606 MARKET CENTER BLVD	K&B INVESTMENTS INC
	5	1614 MARKET CENTER BLVD	PADIAN JOSEPH J
	6	1626 MARKET CENTER BLVD	1632 MARKET CENTER LLC
	7	1632 MARKET CENTER BLVD	1632 MARKET CENTER LLC
	8	1634 MARKET CENTER BLVD	1634 MARKET CENTER LLC
	9	1643 DRAGON ST	Taxpayer at
	10	1641 DRAGON ST	Taxpayer at
	11	1633 DRAGON ST	NR YANG PROPERTIES LLC
	12	1627 DRAGON ST	ASHORALI GHASEM
	13	1615 DRAGON ST	Taxpayer at
	14	1611 DRAGON ST	ZUEGER SECOND FAMILY LTD
	15	1607 DRAGON ST	LAMY ODILE MARIE
	16	1605 DRAGON ST	Taxpayer at
	17	1601 MARKET CENTER BLVD	Taxpayer at
	18	1639 MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
	19	1628 IRVING BLVD	CONSTANCE TRINITY TRIANGLE LTD
	20	1611 DRAGON ST	ZUEGER 2ND FAMILY LTD PR
	21	1615 DRAGON ST	THE ZUEGER 2ND FAMILY LP
	22	1300 OAK LAWN AVE	ZUEGER DAVID M
	23	1300 OAK LAWN AVE	1634 MARKET CENTER LLC
O	24	1632 MARKET CENTER BLVD	Taxpayer at
	25	1611 DRAGON ST	ZUEGER SECOND FAMILY LTD
	26	1538 MARKET CENTER BLVD	XFP LTD PS

Z201-125(HC)

03/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1611	DRAGON ST	ZUEGER SECOND FAMILY LP
28	1621	DRAGON ST	Taxpayer at
29	1617	MARKET CENTER BLVD	Taxpayer at
30	1644	IRVING BLVD	Taxpayer at