

FILE NUMBER: Z212-117(OA)

DATE FILED: October 19, 2021

LOCATION: Southeast corner of Commerce Street and Browder Street

COUNCIL DISTRICT: 14

MAPSCO: 45 Q

SIZE OF REQUEST: ± 0.12 acres

CENSUS TRACT: 31.01

REPRESENTATIVE: Brad Eubanks

OWNER: DPL Loan Holdings, LLC

APPLICANT: Pegasus City Brewery

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

SUMMARY: The purpose of the request is to continue to allow an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on the site [Pegasus City Brewery].

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

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

BACKGROUND INFORMATION

- Specific Use Permit No. 2358 was first approved on January 8, 2020.
- Planned Development District No. 619 was created on June 12, 2002, as a result of several public and private studies that developed retail strategies for the CBD area and promoted the Downtown core as a “full-time” activity area. Moreover, the goal was to encourage the development of retail and personal service uses in the area and create a mixed-use urban activity center.
- PD No. 619 contains 34 acres of land divided into 11 subdistricts, including vertical subdistricts at, below, and above street level. A Specific Use Permit is required for an alcoholic beverage establishment use limited to a microbrewery, distillery, or winery use to operate on the street level of a building.
- The subject site is developed with the historic Dallas Power and Light Building, circa 1903. The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of an uncovered patio area, both at street level, which requires a SUP in Subdistrict A (street level).

Zoning History: There have been eight zoning cases within proximity of the subject site within five years.

1. **Z201-278:** On December 8, 2021, City Council approved an application for the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with H/37 Kirby Building Historic Overlay.
2. **Z201-268:** On October 13, 2021, City Council approved an application for the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned as PD 619 District, located at the south line of Elm Street, west of North Akard Street.
3. **Z190-362:** On March 24, 2021, City Council approved an application for the creation of new subdistricts within Planned Development No. 619
4. **Z189-351:** On January 8, 2020, City Council approved an application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building (the subject site).
5. **Z189-298:** On October 23, 2019, City Council approved the renewal of Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2025 for a personal service use limited to a spa, located on the south line of Main Street, west of South Ervay Street

6. **Z189-147:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on the southeast corner of Commerce Street and Lane Street.
7. **Z189-146:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property generally bound by Commerce Street, South Ervay Street, Jackson Street, and Lane Street.
8. **Z178-124:** On February 14, 2018, City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign on property generally located on the north side of Main Street, east of North Akard Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Commerce Street	One Way CBD	80 feet	80 feet
Browder Street	Local	50 feet	50 feet

Traffic:

The Engineering Division of 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 fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Downtown Building Block.

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

LAND USE

GOAL 1.1 ALIGN LAND-USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.3 Build a dynamic and expanded Downtown

ECONOMIC DEVELOPMENT

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

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTES A SENSE OF PLACE, SAFETY, AND WALKABILITY.

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages, and areas.

The applicant's proposal to operate an alcoholic beverage establishment limited to a microbrewery, distillery or winery use meets goals related to business expansion and retention within the Downtown area.

Surrounding Land Uses:

Area	Zoning within PD No. 619	Use
Site	Subdistrict 619	Retail and personal service uses, Multifamily
North	Subdistrict 619	Restaurants, Hotel, General merchandise, or food store
East	Subdistrict 619	Restaurants and Hotel
South	Subdistrict 619	Hotel, Multifamily, Office
West	Subdistrict 619	Restaurants

Land Use Compatibility:

The subject site is located within the central business district, Downtown Dallas and it is developed with the historic Dallas Power and Light Building, Circa 1903. The applicant is requesting the renewal of Specific Use Permit No. 2358 to continue to allow 4,804 square feet of the building and the 5,385 square uncovered patio area for alcoholic beverage establishment limited to a microbrewery, distillery, or winery on the site [Pegasus City

Brewery]. The business is located within the street level of the property and the PD No. 619 allows the use with a Specific Use Permit within Subdistrict A (street level).

Surrounding land uses consist of restaurants, hotels, and general merchandise or food store to the north; restaurants and hotel to the east; hotel, multifamily, and office to the south; and restaurants to the west.

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 a SUP for 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

Since the property is located Downtown, the renewal of the SUP is consistent with the central business districts and complements and adds to the variety of uses Downtown.

Staff supports the renewal for a period of two years for the microbrewery business. This allows city staff and neighboring properties, especially with residences within the same historic structure, to continue to assess the compatibility of microbrewery use.

Parking:

PD No. 619 refers to CA Central Area District standards for parking. An alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on a ground floor does not require parking, per Sec.51A-4.124(5)(B)(ii). None is provided.

Landscaping:

No landscaping is required since no additions are being proposed to the property.

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 strengths or weaknesses. As illustrated in the attached MVA map, the colors range from purple

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representing the strongest markets to orange, representing the weakest markets. The area of request is located within an “E” MVA cluster.

CPC ACTION
DECEMBER 16, 2021

Motion: It was moved to recommend **approval** of 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.

Maker: Kingston
Second: Blair
Result: Carried: 10 to 0

For: 10 - Popken, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Haqq, Kingston,
Rubin

Against: 0
Absent: 2 - Suhler, Stanard
Vacancy: 2 - District 3, District 10
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices:	Area: 300	Mailed: 26
Replies:	For: 2	Against: 0

Speakers: None

List of Partners/Principals/Officers

Pegasus City Brewery

William Cotten, President

Adrian Cotten, Vice President

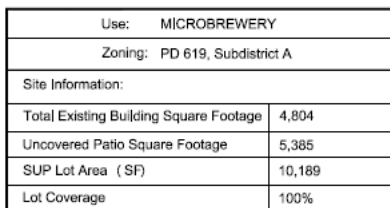
Chris Weiss, Co-Owner

David Busby, Co-Owner

Justin Ezell, Co-Owner

**CPC RECOMMENDED
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: The use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires ~~on January 8, 2022~~ (two years from the 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. The 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.

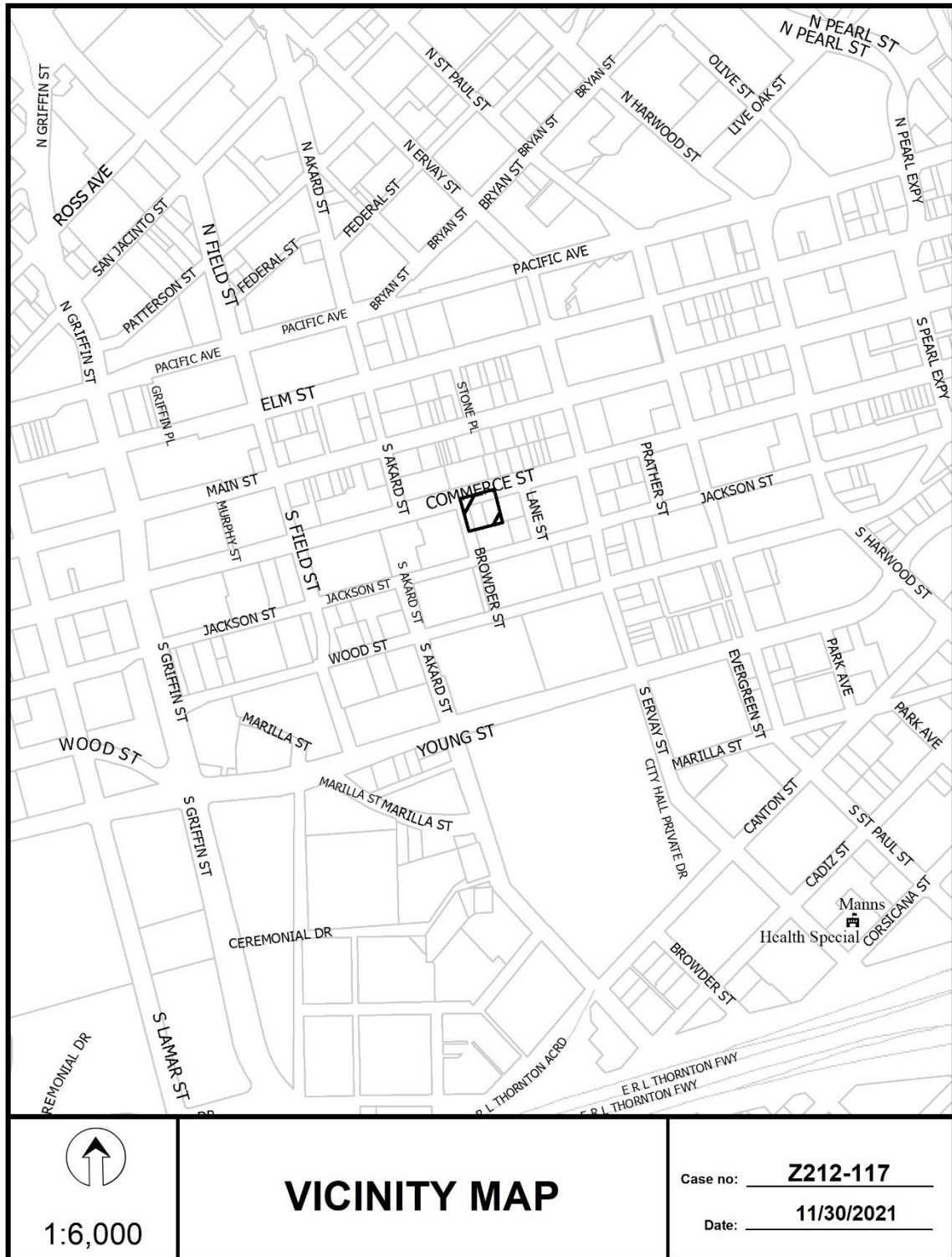


PARKING REQUIREMENT

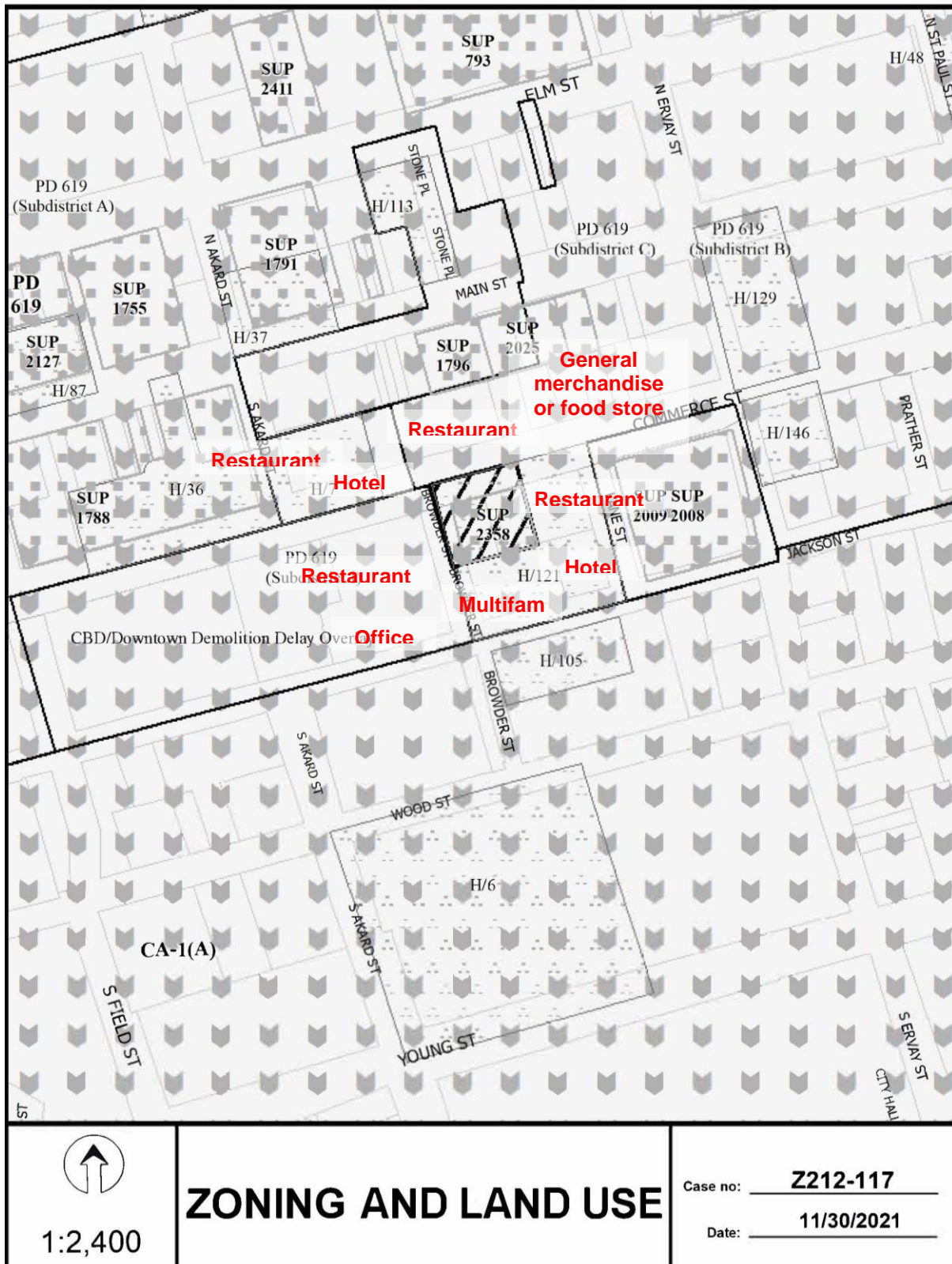
CA Zoning - No parking required per Sec. 51A-4.210 (b) (4)

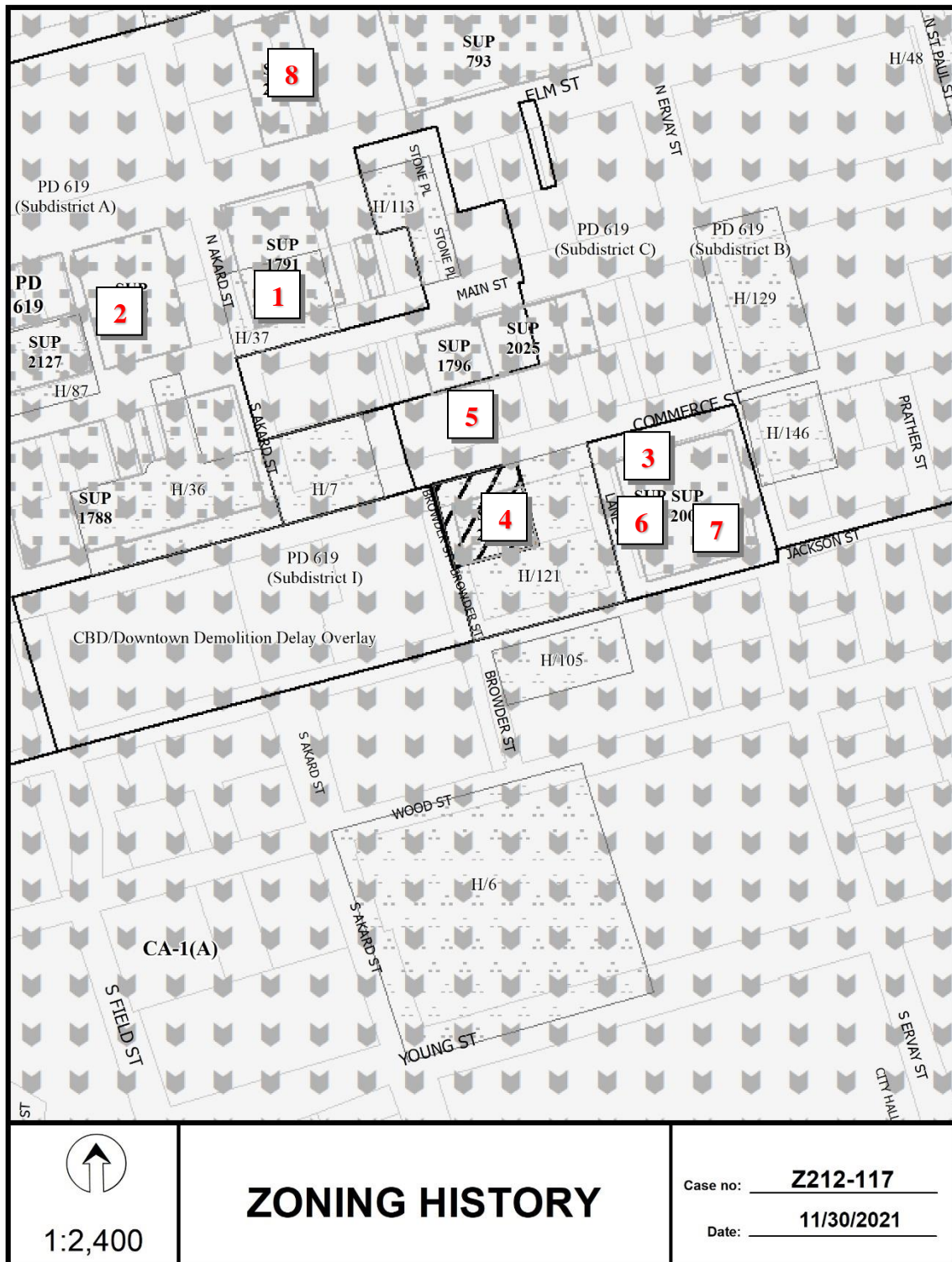
Project
DP&L Building
1908 COMMERCE ST.
DALLAS, TX 75201
Prepared for
PEGASUS CITY BREWERY
WILL & ADRIAN COTTEN

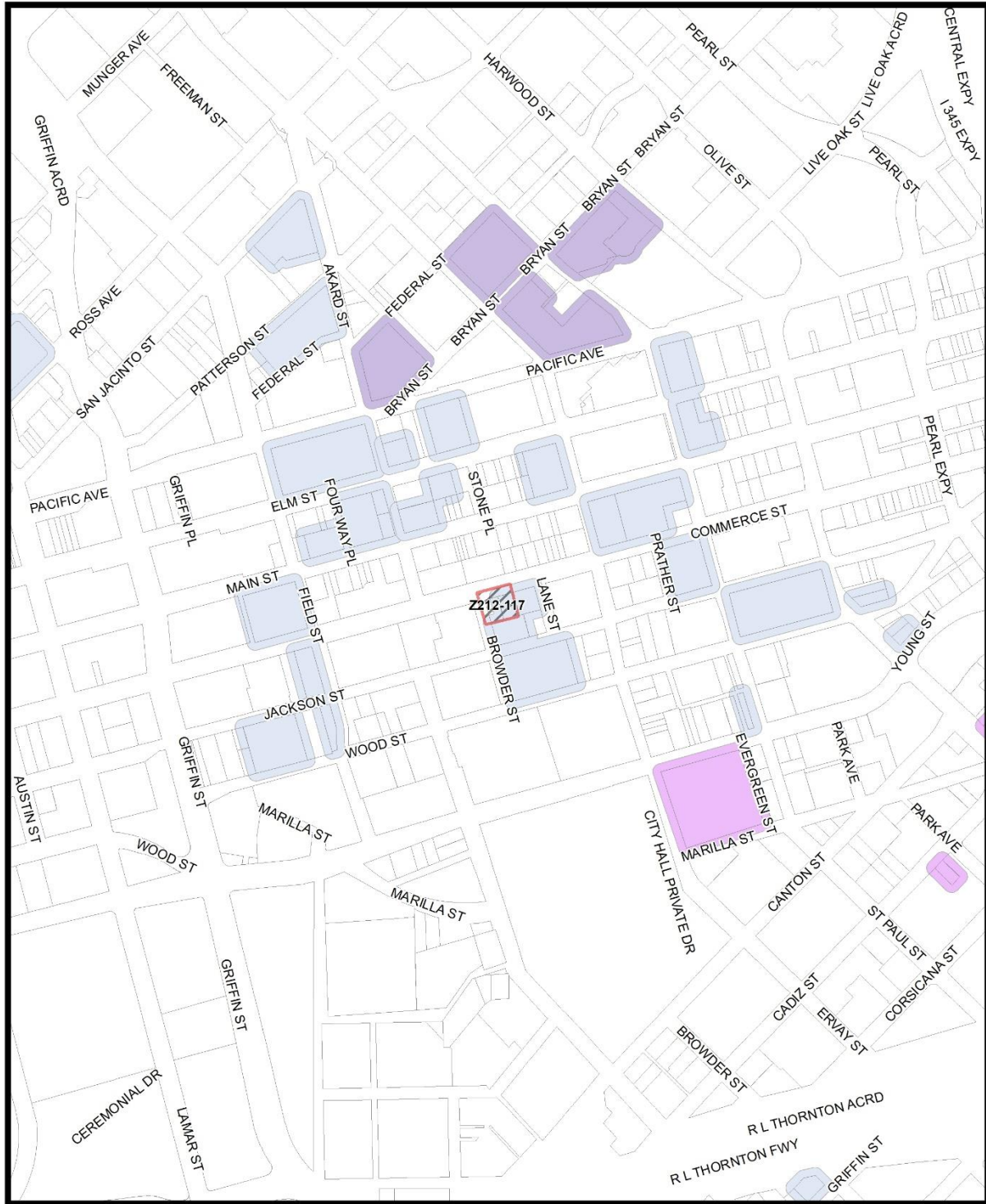
Existing Zoning:
PD 619, Subdistrict A
Land Use: Microbrewery











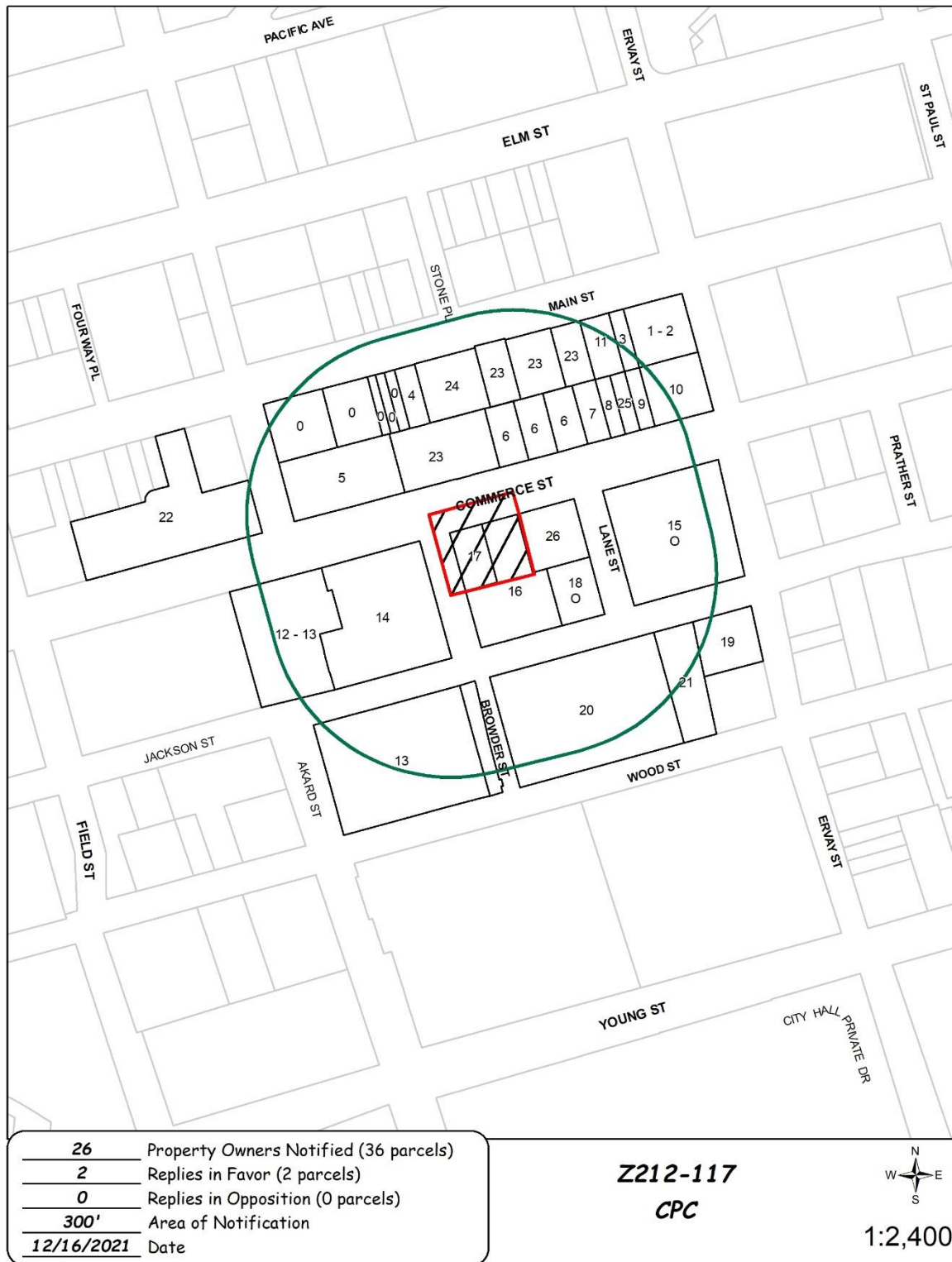
MVACcluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 11/30/2021

CPC RESPONSES



12/15/2021

Reply List of Property Owners***Z212-117******26 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1603 COMMERCE ST	NEIMAN MARCUS CO
	2	1622 MAIN ST	NEIMAN MARCUS CO LESSEE
	3	1618 MAIN ST	THE NEIMAN MARCUS GROUP INC
	4	1520 MAIN ST	MAIN STREET INVESTORS JV
	5	1401 COMMERCE ST	SUPREME BRIGHT DALLAS IV LLC
	6	1513 COMMERCE ST	1530 MAIN LP
	7	1525 COMMERCE ST	POLLOCK ROBERT ETAL
	8	1603 COMMERCE ST	KEATING PROPERTIES LLC
	9	1607 COMMERCE ST	ROGERS WILLIAM SLAUGHTER &
	10	1609 COMMERCE ST	NEIMAN MARCUS GROUP INC
	11	1616 MAIN ST	DALLAS FOUNDATION
	12	208 S AKARD ST	SOUTHWESTERN BELL TELEPHONE
	13	1400 JACKSON ST	SOUTHWESTERN BELL
	14	208 S AKARD ST	WHITACRE TOWER HOLDINGS LP
O	15	1600 COMMERCE ST	DALPARK LAND LEASE LTD
	16	1506 COMMERCE ST	Taxpayer at
	17	1500 COMMERCE ST	DPL LAND LLC
O	18	1517 JACKSON ST	DPL LOAN HOLDINGS LLC
	19	1610 JACKSON ST	Taxpayer at
	20	1500 JACKSON ST	1500 JACKSON STREET LLC
	21	1600 JACKSON ST	SABO MARY SWAIN TRUST
	22	1315 COMMERCE ST	RBP ADOLPHUS LLC
	23	1501 COMMERCE ST	1600 MAIN STREET HOLDINGS LP
	24	1530 MAIN ST	DUNHILL 1530 MAIN LP
	25	1603 COMMERCE ST	SLAUGHTER PARTNERS LP
	26	1514 COMMERCE ST	Taxpayer at