

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, JANUARY 25, 2023

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-310(JM)

DATE FILED: July 28, 2022

LOCATION: West line of Greenville Avenue, southeast of Ross Avenue

COUNCIL DISTRICT: 2

SIZE OF REQUEST: ± .05 acres

CENSUS TRACT: 10.02

REPRESENTATIVE: Audra Buckley, Permitted Development

APPLICANT: Ship's Lounge

OWNER: Nayeb Family LP

REQUEST: An application for the renewal of Specific Use Permit No. 2355 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses.

SUMMARY: The applicant requests to continue to operate a bar, lounge, or tavern [Ships Lounge] during late hours (12:00 a.m. to 2:00 a.m.), Monday through Sunday.

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

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

BACKGROUND INFORMATION:

- The area of request is within a 24,215-square-foot shopping center containing a mix of uses. The applicant began operating the use in 1965.
- Pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight. The applicant proposes to continue operating from 11:00 am to 2:00 am (the next day), Monday through Sunday.
- On December 14, 2011, the City Council approved SUP No. 1922 for a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge, or tavern for a four-year period on the site.
- On December 5, 2015, the City Plan Commission denied the renewal of Specific Use Permit No. 1922. Between 2015 and 2018, there was no SUP for late-hours establishment for the site.
- On January 8, 2020, the City Council approved the creation of Specific Use Permit No. 2355 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge or tavern use for a one-year period. This SUP was subsequently approved for a two-year renewal on January 27, 2021. The current request is to renew the use for a three-year period.

Zoning History: There have been no zoning requests in the area within the past five years.

Thoroughfares and Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Greenville Avenue	Major Arterial	36'/56'
Ross Avenue	Major Arterial	Variable Width

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.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use:

	Zoning	Land Use
Site	PDD No. 842, SUP No. 2355	Bar, Lounge or Tavern
Northwest	PDD No. 842, CR	Retail, Restaurants
North	PDD No. 842	Restaurant
Northeast	PDD No. 842	Retail, Self-Storage
East	PDD No. 842	Retail, Restaurant
South	PDD No. 842	Retail & Personal Service
Southwest	PDD No. 462	Restaurant, Personal Service
West	PDD No. 842	Personal Service

STAFF ANALYSIS:**Land Use Compatibility:**

The request site is an approximately 1,540-square foot, one-story bar, lounge, or tavern use [Ship's Lounge] within a shopping center. The applicant proposes to continue operating the bar, lounge or tavern use from 12:00 a.m. to 2:00 a.m.

Surrounding land uses include retail and restaurants to the northwest; a restaurant to the north; retail and restaurant to the northeast; and retail, restaurant and personal service uses to the east and west. Restaurant and personal service uses are located to the southwest and retail and personal service uses to the south. The closest residential development is more than 300 feet to the east of the request site.

The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

Based on the criteria above, the applicant has not received any citations from the police for its patrons or noise violations; no arrests for public intoxication or disorderly conduct, and no violent crimes have been associated with the establishment.

The applicant has no violations with the Texas Alcoholic Beverage Commission within the past year. Therefore, staff recommends approval of the renewal request. Due to the length of time the use has operated and the compatibility with the neighborhood, staff supports a three-year time period for the renewal request.

Crime Statistics:

The crime statistics provided since the last renewal (from January 1, 2020 to November 17, 2022), and had a total of 28 calls, two offenses, and no arrests. Of the 28 calls received, 19 were for business alarms. The two offenses included harassment and unauthorized use of a motor vehicle.

Parking:

Pursuant to §51A-4.210, a restaurant requires one space per 100 square feet of floor area. Therefore, the ±1,540-square-foot lounge requires 15 spaces. As depicted on the site plan, 46 spaces are provided on site. Eight bicycle spaces are provided, and delta credits designate 90 spaces for a total of 144 spaces for the use and shopping center. The remaining 31 spaces are for other uses within the 24,215-square-foot site.

Landscaping:

Landscaping is provided in accordance with Article X, as amended of the Dallas Development Code. No additions are proposed; therefore, no new landscaping is required.

Market Value Analysis:

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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 I). Although the area of request is not within an identifiable MVA cluster, it is surrounded by Category “C” MVA clusters in the vicinity.

Partners/Principals/Officers:

Applicant:

Texans for Cuban Investments, Inc. DBA Ships Lounge
Naser Nayeb, President and Director

Nayeb Family LP:

Farhad Nayeb, Principal

General Partner: Nayeb Real Estate, L.L.C.

Naser Nayeb, Managing Member
Farhad Nayeb, Managing Member
Fawad Nayeb, Managing Member

CPC Action
December 15, 2022

13. Z212-310(JM)

Planner: Jennifer Muñoz

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2355 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge or tavern use for a three-year period, subject to conditions on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west line of Greenville Avenue, southeast of Ross Avenue.

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

For: 13 - Popken, Hampton, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Gracey
Vacancy: 1 - District 4

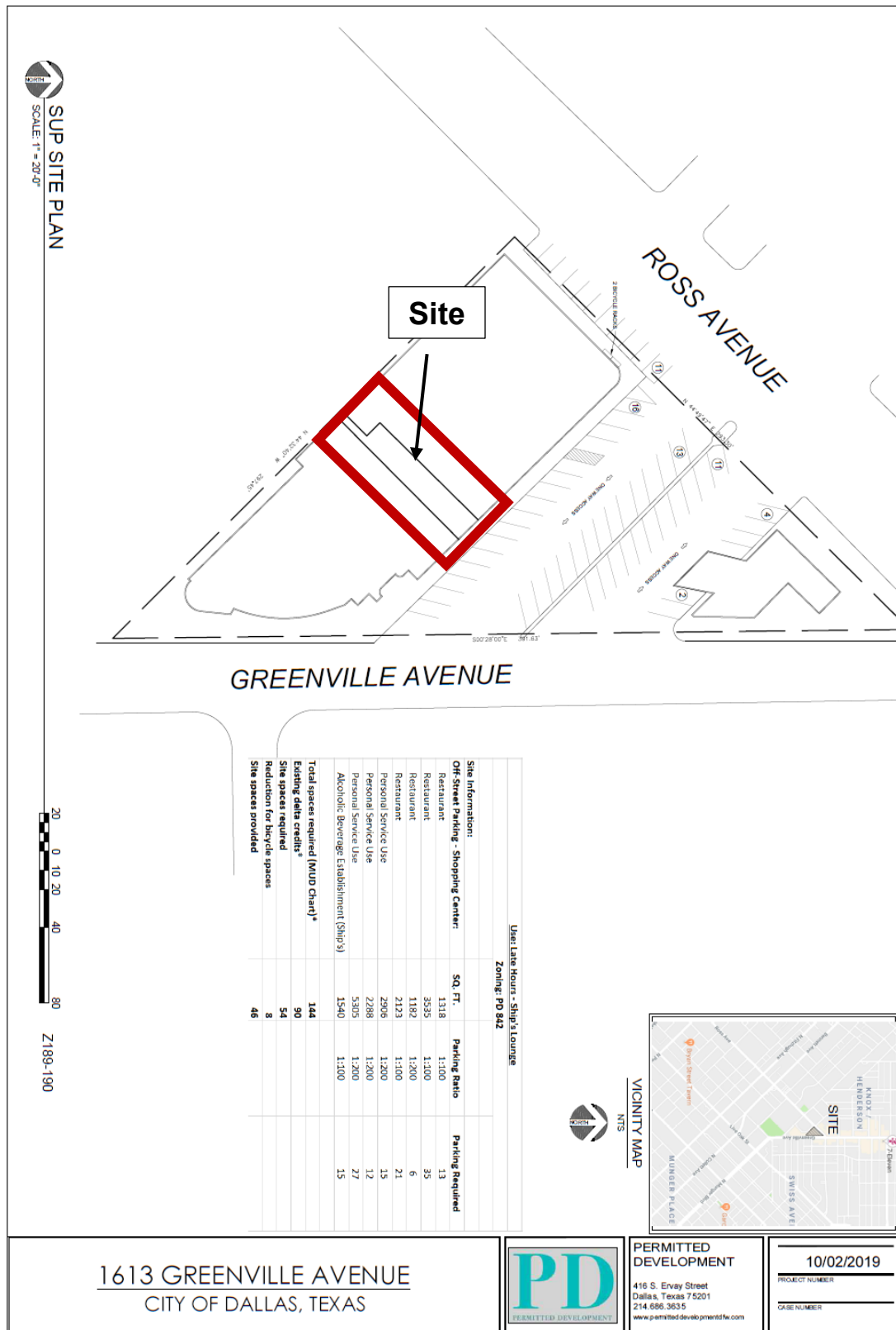
Notices:	Area: 200	Mailed: 11
Replies:	For: 0	Against: 0

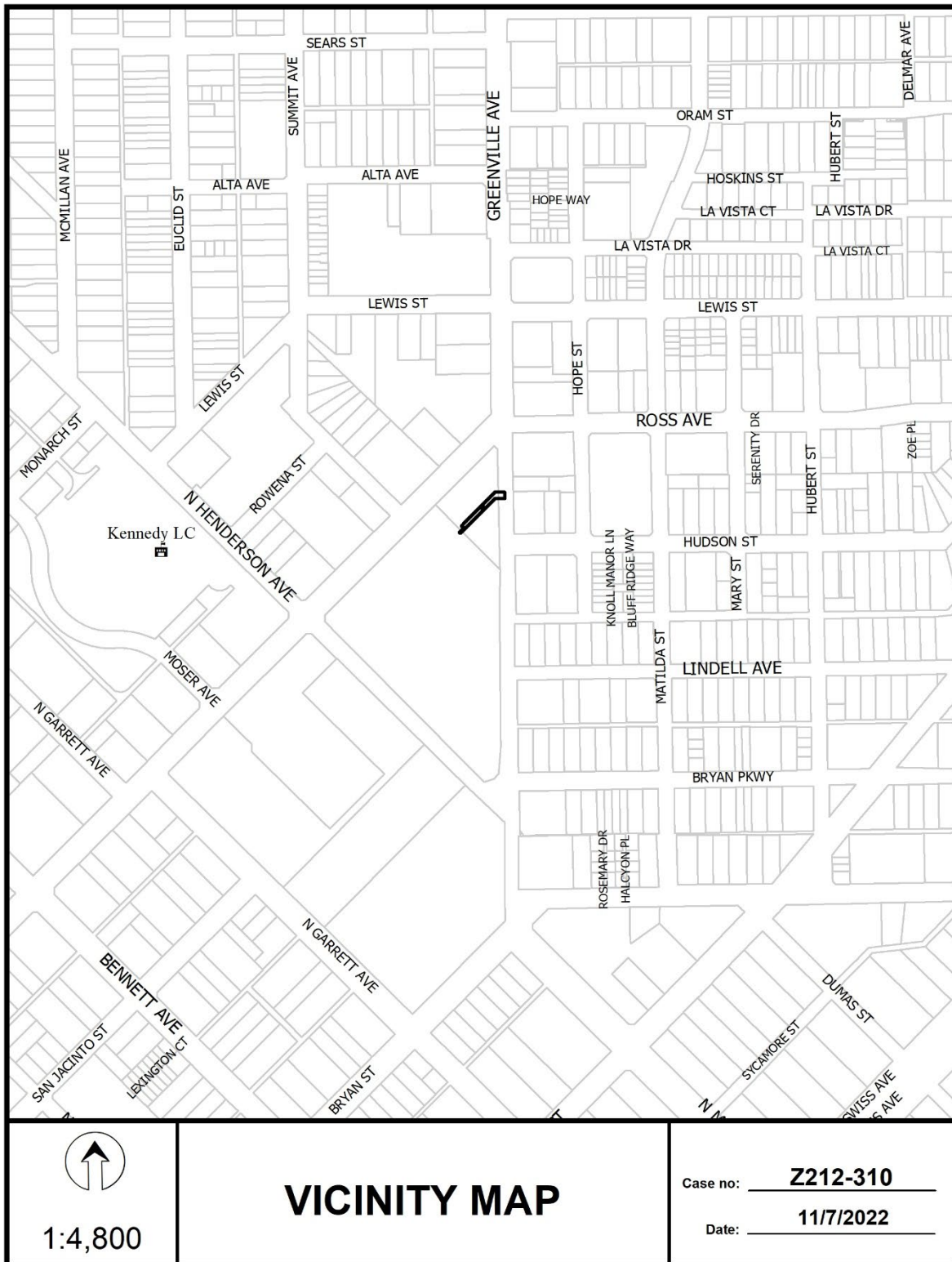
Speakers: None

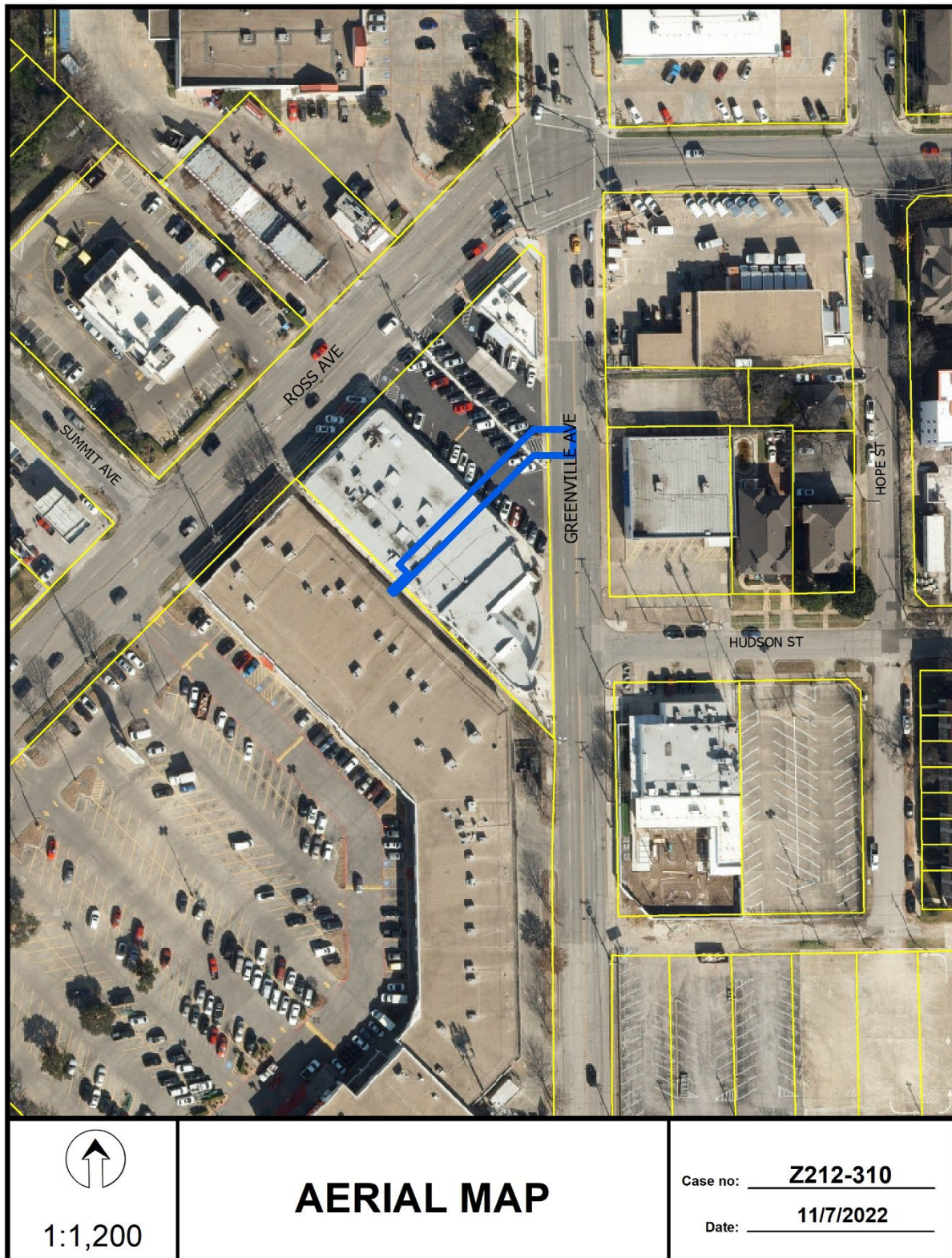
<p>CPC RECOMMENDED SUP Conditions</p>

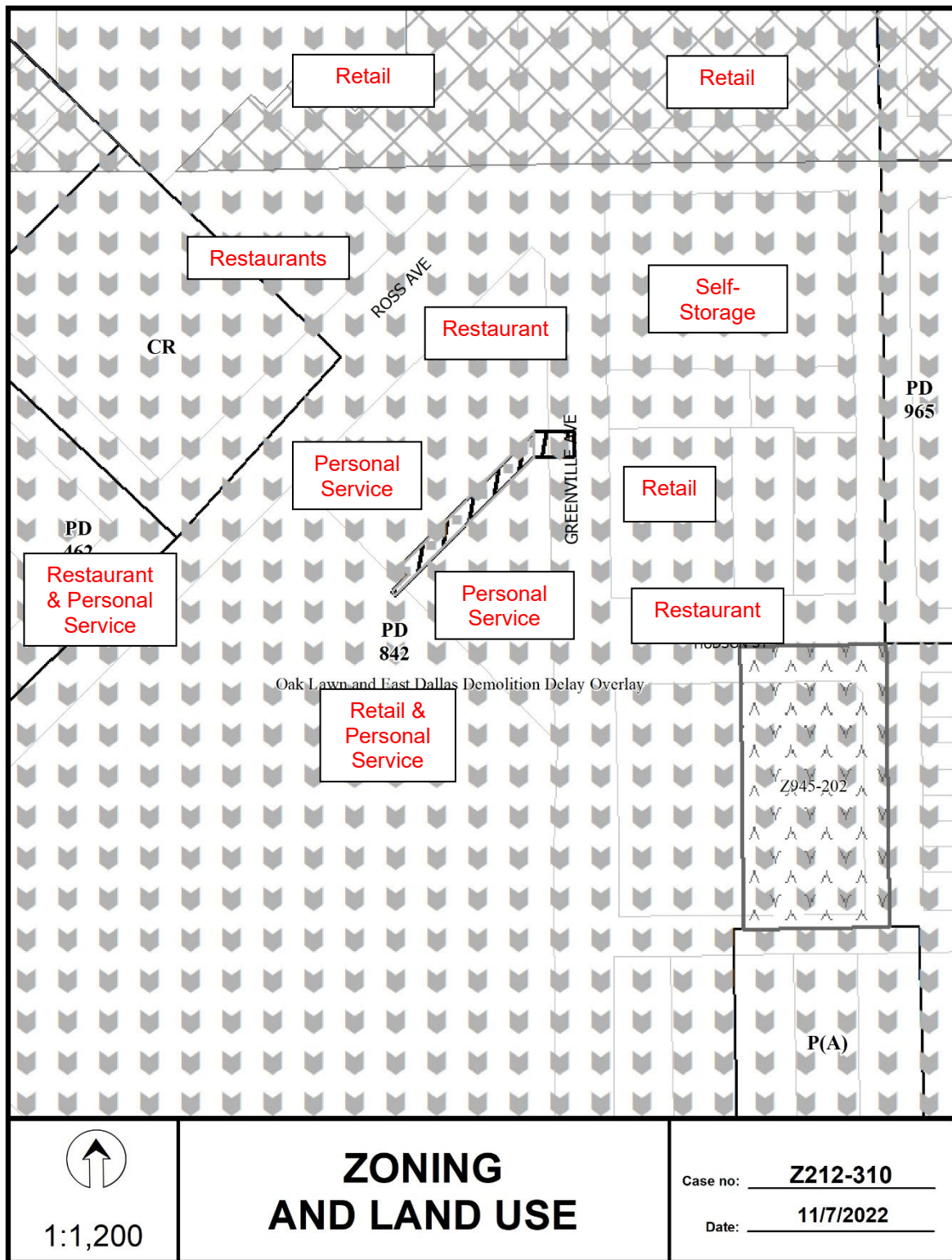
1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on **January 27, 2023 (three-years from the passage of this ordinance).**
4. FLOOR AREA: The maximum floor area is 1,540 square feet.
5. HOURS OF OPERATION:
 - A. The late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge or tavern may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.
 - B. All customers must be removed from the Property by 2:15 a.m.
6. OUTSIDE SPEAKERS: Use of outside speakers on the Property is prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENT: 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)

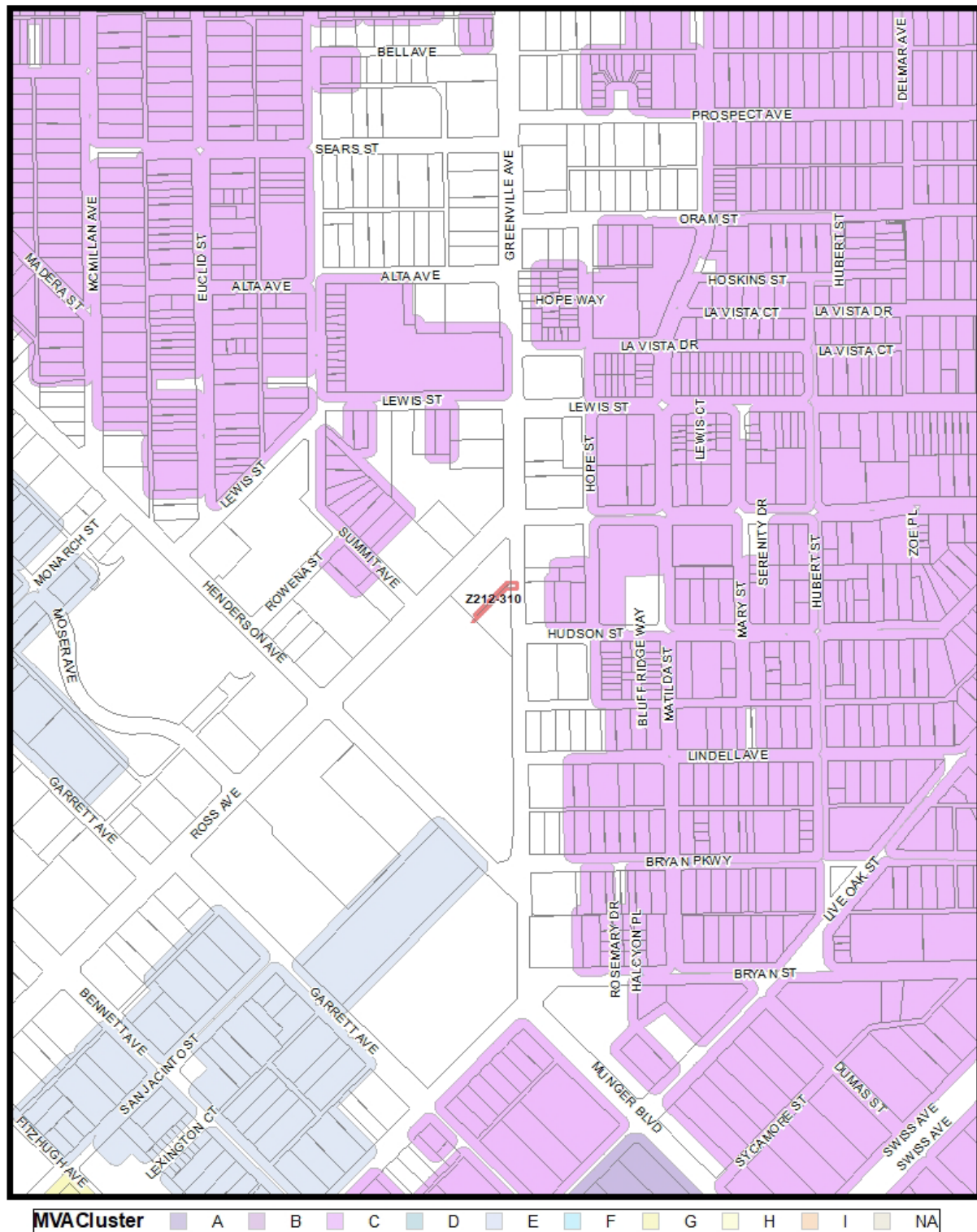








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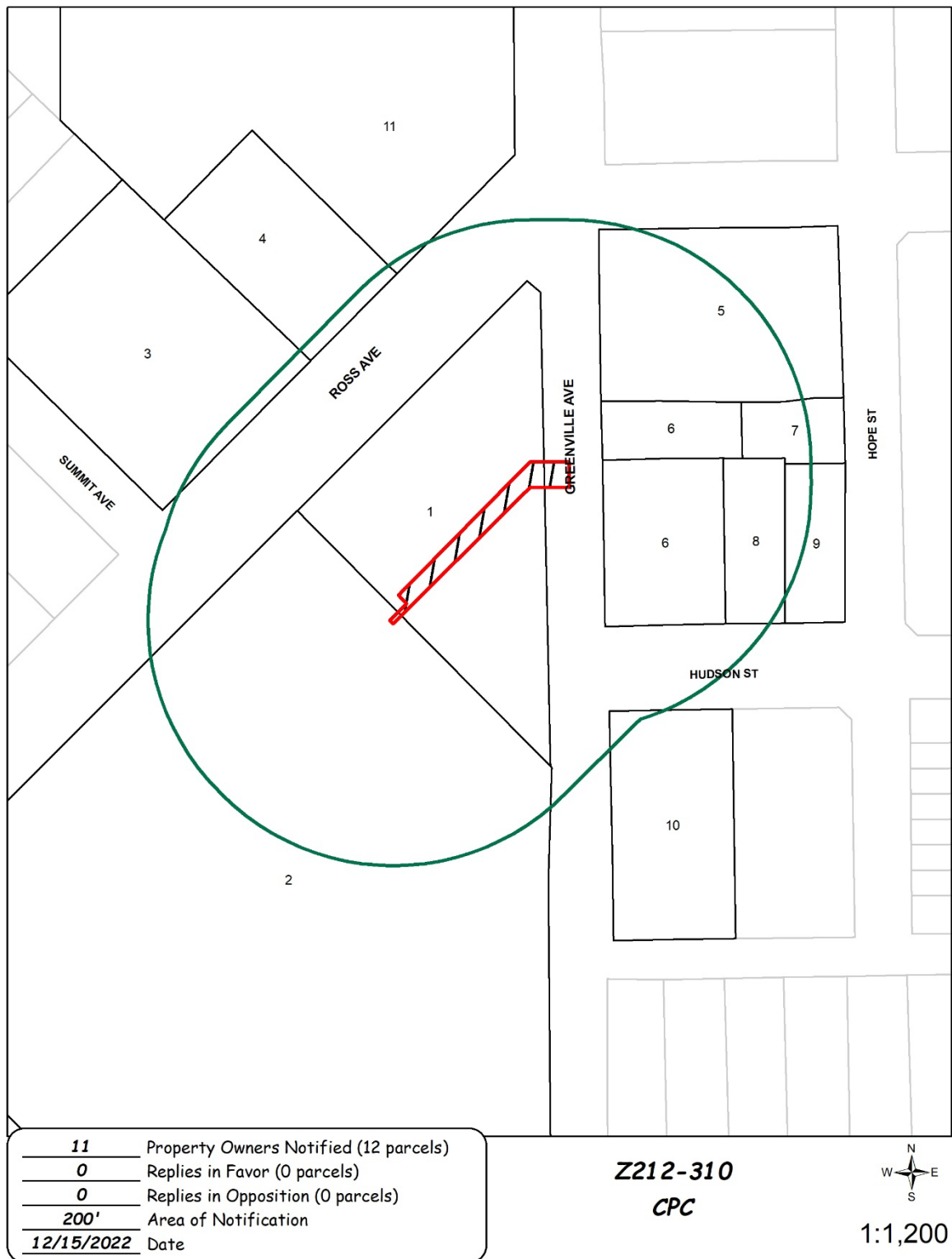


1:4,800

Market Value Analysis

Printed Date: 11/7/2022

CPC RESPONSES



Z212-310(JM)

12/14/2022

Reply List of Property Owners

Z212-310

11 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	5400 ROSS AVE	NAYEB FAMILY LP
	2	5334 ROSS AVE	ROSS HENDERSON DEV GROUP
	3	5403 ROSS AVE	MCDONALDS CORP
	4	5415 ROSS AVE	Taxpayer at
	5	1616 GREENVILLE AVE	AMERCO REAL ESTATE COMPANY
	6	1606 GREENVILLE AVE	GOODWILL INDUSTRIES OF
	7	1615 HOPE ST	MARCELLINE LUM
	8	5509 HUDSON ST	CAMPBELL ROBIN LEE
	9	5513 HUDSON ST	HARBER CAROL
	10	1516 GREENVILLE AVE	MARS PARTNERS JOINT
	11	5429 ROSS AVE	CHAN ALVIN B INC