

**FILE NUMBER:** Z223-124(JM) **DATE FILED:** October 25, 2022

**LOCATION:** West side of Greenville Avenue, north of Alta Avenue

**COUNCIL DISTRICT:** 14

**SIZE OF REQUEST:** Approx. 0.13 acres **CENSUS TRACT:** 48113001002

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**OWNER/APPLICANT:** Medicapital, Inc.

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for a Specific Use Permit to operate a late hours establishment on property zoned Subdistrict No. 1 within Planned Development District No. 842 with a MD-1 Modified Delta Overlay.

**SUMMARY:** The applicant requests an SUP to operate a retail and personal service use during late hours from 7:00 pm to 10:00 pm. A separate application Z223-123(JM) was submitted requesting an amendment to Subdistrict No. 1 to permit a late hours establishment by SUP only.

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

**PD No. 842:**

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=842>

## **BACKGROUND INFORMATION:**

- On January 26, 2011, City Council approved Planned Development No. 842. The purpose of the district is to ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.
- On October 23, 2018, City Council approved the creation of Subdistrict No. 1, to permit office, retail and personal service uses with no parking during certain hours of operation (6:00 a.m. to 7:00 p.m.).
- The 0.13-acre area of request is developed with an approximately 5,600-square foot one and one-half story building with three suites erected in 1929, per DCAD records. These three suites contain two personal service uses (Balanced Being Yoga & Wellness and Sugaring NYC), and one general merchandise or food store use offering food to go (Feng Cha).
- A separate application (Z223-123(JM)) is on the docket to amend Subdistrict No. 1 by modifying the definition for a late hours establishment. The proposed amendment is to permit retail and personal service uses to operate until 10:00 p.m. with a Specific Use Permit for a late hours establishment. This request for an SUP for the general merchandise or food store use (Feng Cha) located in Suite 130 is to operate within the proposed modified late hours establishment hours for Subdistrict No. 1 and should only be considered once a recommendation is made on the amendment case.

## **Zoning History:**

There have been 20 zoning cases in the area in the last five years.

1. **Z189-131:** On April 10, 2019, the City Council denied without prejudice an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between Oram Street and LaVista Drive.
2. **Z189-150:** On April 10, 2019, the City Council approved Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a one-year period, on property zoned Planned Development District No. with an MD-1 Modified Delta Overlay District on east side of Greenville Avenue, south of Stonebriar Court.
3. **Z189-206:** On August 28, 2019, the City Council approved the creation of Subdistrict 2 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the northeast corner of Greenville Avenue and Oram Street.

4. **Z189-227:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern, has been automatically renewed for an additional two-year time period, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.
5. **Z189-251:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 2346 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the southwest corner of Alta Avenue and Greenville Avenue, for a four-year period.
6. **Z189-261:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.
7. **Z189-333:** On January 8, 2020, the City Council approved the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
8. **Z190-125:** On February 26, 2020, the City Council approved the renewal of Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a two-year period.
9. **Z190-139:** On August 26, 2020, City Council approved Subdistrict 3 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay on the east line of Greenville Avenue, north of La Vista Drive.
10. **Z190-236:** On January 13, 2021, City Council approved Specific Use Permit No. 2401 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay with Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on the west line of Greenville Avenue, south of Sears Street.

11. **Z190-306:** On December 9, 2020, the City Council approved the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a five-year period, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue.
12. **Z201-148:** On June 9, 2021, City Council approved the renewal of Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, north of Prospect Avenue.
13. **Z201-154:** On May 26, 2021, the City Council approved the renewal of Specific Use Permit No. 1903 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the north line of Alta Avenue, west of Greenville Avenue for a two-year period.
14. **Z201-204:** An application for an automatic renewal of Specific Use Permit No. 1879 for a late hours establishment for a bar, lounge, or tavern use, has been automatically renewed for an additional two-year time period on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.
15. **Z201-258:** On November 10, 2021, the City Council approved the creation of Subdistrict 4 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the east line of Greenville Avenue, between LaVista Drive and Oram Street.
16. **Z212-101:** On February 23, 2022, City Council approved the renewal of Specific Use Permit No. 1898 for a late-hours establishment limited to a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay at the southeast corner of Richmond Avenue and Greenville Avenue.
17. **Z212-135:** On March 9, 2022, City Council approved the renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a three-year period on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay at the northwest corner of Greenville Avenue and Bell Avenue.
18. **Z212-204:** On August 24, 2022, the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage

establishment to a bar, lounge, or tavern, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District on the west of Greenville Avenue, between Alta Avenue and Prospect Avenue, for a three-year period.

19. **Z223-123:** An application to amend Subdistrict No. 1 within Planned Development District No. 842 with an MD-1 Modified Delta Overlay located on the west side of Greenville Avenue, north of Alta Avenue. [Subject site; case scheduled for City Plan Commission hearing on May 18, 2023]

20. **Z223-129:** An application for a Specific Use Permit to operate a late hours establishment on property zoned Subdistrict No. 1 within Planned Development District No. 842 with a MD-1 Modified Delta Overlay located on the east side of Greenville Avenue, north of Alta Avenue.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Greenville Ave	Major Arterial	variable

**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* 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 aligns with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

## **ECONOMIC ELEMENT**

### **GOAL 2.1 FOSTER A CITY OF GREAT NEIGHBORHOODS.**

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

## **URBAN DESIGN**

### **GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.**

**Policy 5.2.1** Maintain neighborhood scale and character.

#### **Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD 842 MD-1 Modified Delta Overlay	Personal service and general merchandise or food store
<b>North</b>	PD 842 MD-1 Modified Delta Overlay	Restaurant, financial institution, and general merchandise or food store
<b>East</b>	PD 842 MD-1 Modified Delta Overlay	Restaurant and general merchandise or food store
<b>South</b>	PD 842 MD-1 Modified Delta Overlay	General merchandise or food store, restaurant, and alcoholic beverage establishment
<b>West</b>	PD 842 MD-1 Modified Delta Overlay	Commercial parking lot

#### **Land Use Compatibility:**

The approximate 0.13-acre site is zoned Planned Development No. 842 with an MD-1 Modified Delta Overlay District No. 1, the Greenville Avenue Modified Delta Overlay District and is currently developed with a one and one-half story unoccupied building with a total floor area of 5,600.

The properties surrounding the subject site include restaurant, financial institution and general merchandise uses to the north, along Greenville Avenue. More restaurant and general merchandise uses are located to the northeast, east, south, and southeast of the area of request. Commercial parking lot uses are to the west and southwest of the property.

Subdistrict No. 1 was granted on October 23, 2018, allowing office and retail and personal service uses to operate from 6:00 am to 7:00 p.m. with no parking provided. The subdistrict request detailed the history of parking issues for the tenants operating within

the three suites on the site. The agreement was reached to allow the operation of these uses to continue with no parking under limited hours of operation.

Z223-123(JM) is an application to amend Subdistrict No. 1 to allow a modified version of late hours establishments by SUP, which are defined as a retail or personal service use operating from 7:00 p.m. to 10:00 p.m. This request is for an SUP to allow the existing general merchandise or food store (Feng Cha) to remain open three additional hours, from 7:00 p.m. to 10:00 p.m.

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 for an initial two-year period, subject to a site plan and conditions. Since this land use has already been permitted, the operation with extended hours is compatible unless the operation of the use for those extended hours causes a nuisance or fails to meet the provisions of maintaining an SUP as described above. Staff does not expect this to occur considering the existing general merchandise or food store does not cater to on-site customers; however, the SUP process of renewal requiring public notification in a short period of time with the opportunity to address operation concerns will aid in the final determination of appropriateness over time.

**Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

**Parking:**

The existing building is approximately 5,600 square feet. The Subdistrict No. 1 conditions amend the off-street parking regulations to require that no off-street parking is required for an office or retail and personal service use with a parking ratio of 1 space per 200 square feet of floor area or less and that does not operate between 7:00 pm and 6:00 am. Application Z223-123(JM) seeks to amend this section to allow the provision to extend to the use under this SUP, a late hours establishments with limited hours, as proposed, from 6:00 a.m. to 10:00 p.m.

**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 within MVA cluster "C".



**List of Officers**

*Medicapital, Inc.*

Sarah Crawford, Agent

Daniel Del Rio, Vice President

**Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is a late hours establishment with limited hours with retail or personal services uses
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: The maximum floor area for the retail use is 1,200 square feet.
5. HOURS OF OPERATION: The late hours establishment use may only operate between 7:00 p.m. and 10:00 p.m. Monday through Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.



**SPECIFIC USE PERMIT**

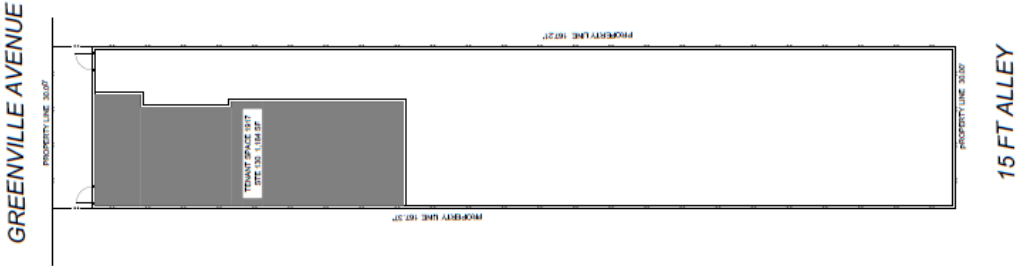
**LATE HOURS ESTABLISHMENT WITH LIMITED HOURS**

Existing Hours of Operation - 11 a.m. to 7 p.m.

Proposed Hours of Operation - 11 a.m. to 10 p.m.

SITE DATA SUMMARY					
ADDRESS	1917 Greenville Ave				
BLOCK	C/1983				
LOT	S 10' OF LOT 19 & N 20' OF LOT 20				
LOT AREA	0.12				
ZONING	PD 842 Subarea 1				
SUITE	USE	SF	PARKING RATIO	REQ.	*PROVIDED
110	Personal Service	2,328	1:200	12	
120	Personal Service	1,412	1:200	7	
130	General Merchandise or Food Store < 3,500 SF	1,184	1:200	6	
TOTAL		4,924		25	33

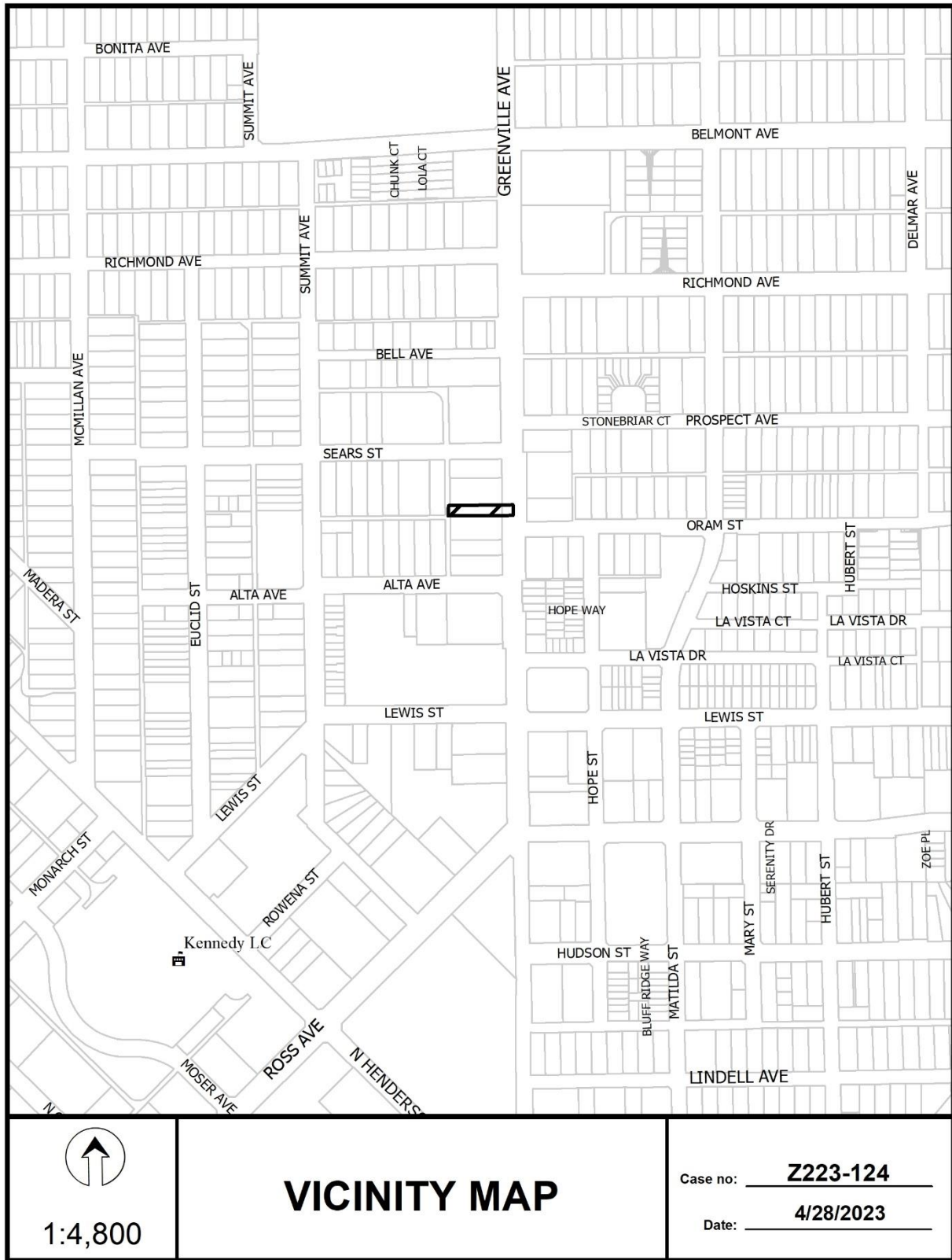
\* Remote Parking Agreement 5616 Alta Ave. Volume 9006 Page 1463

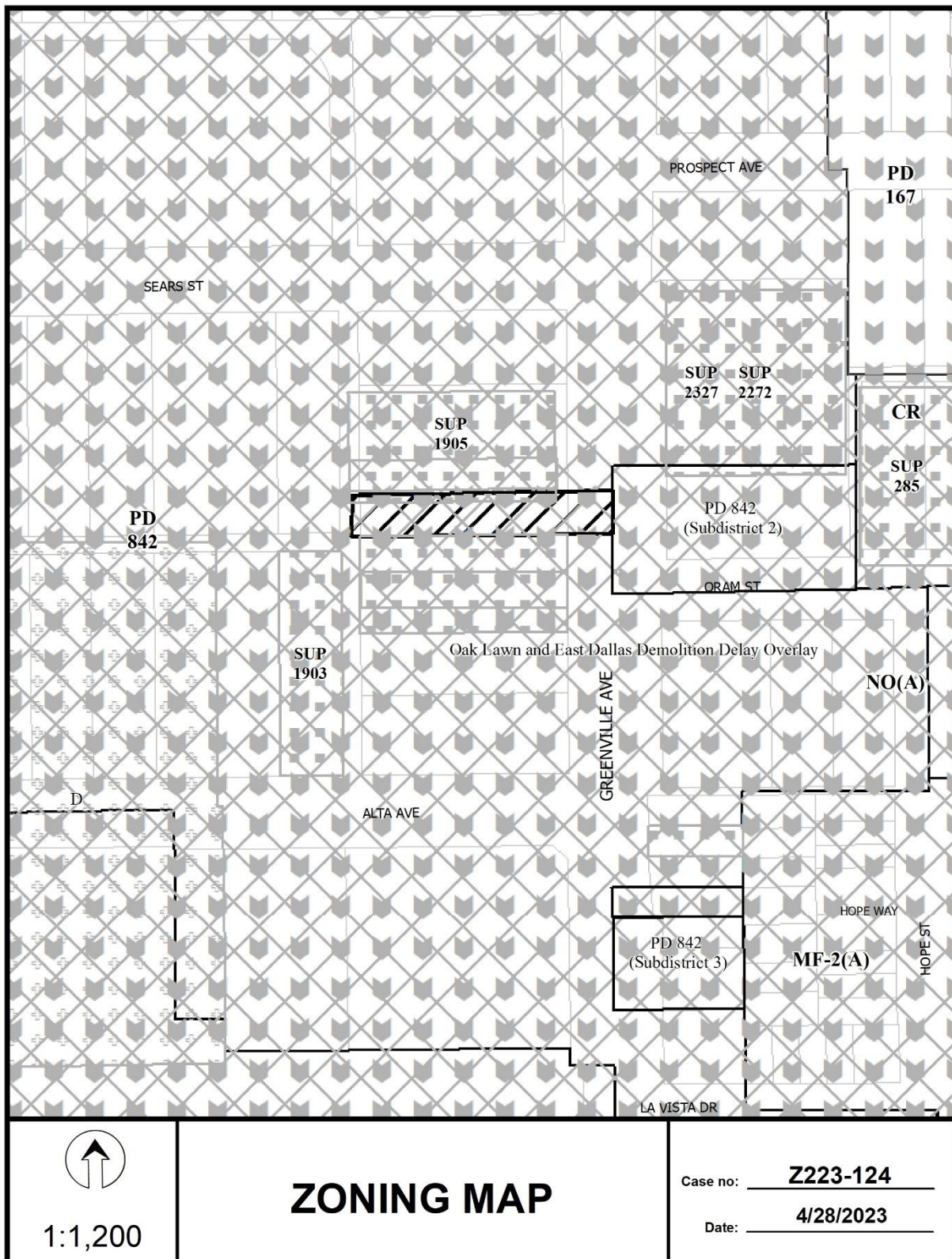


**SUP SITE PLAN**  
SCALE: 1" = 20'-0"

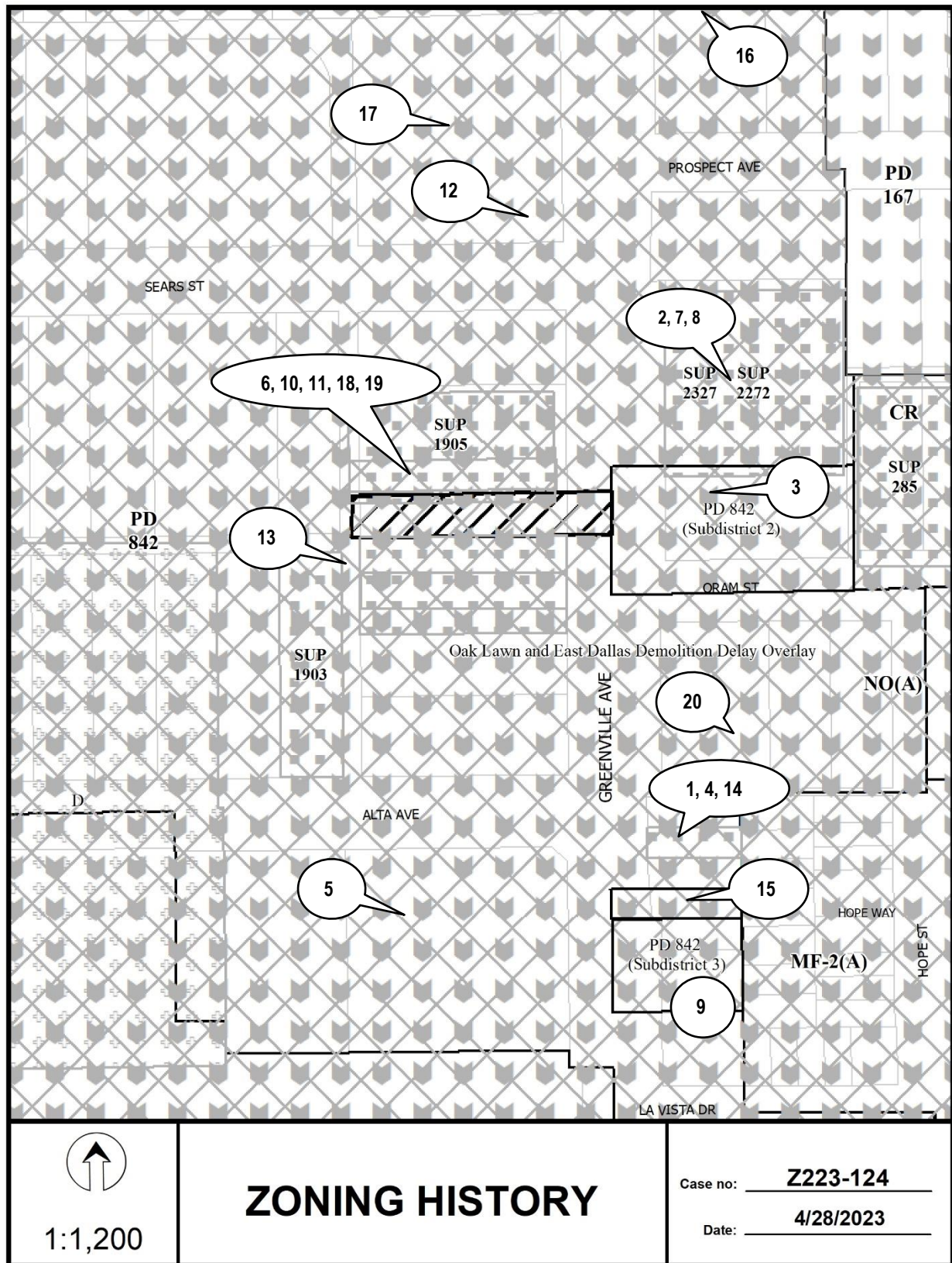
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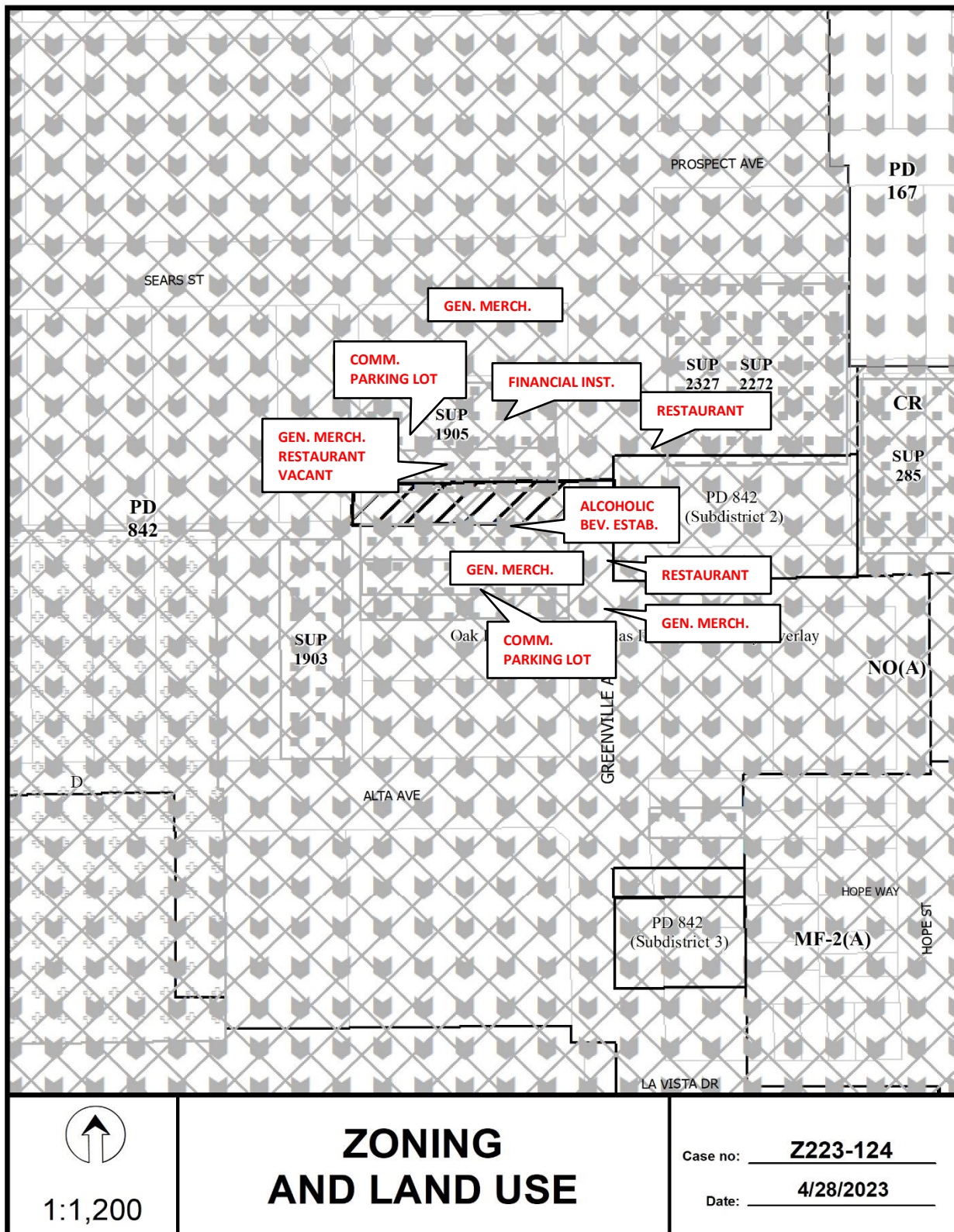


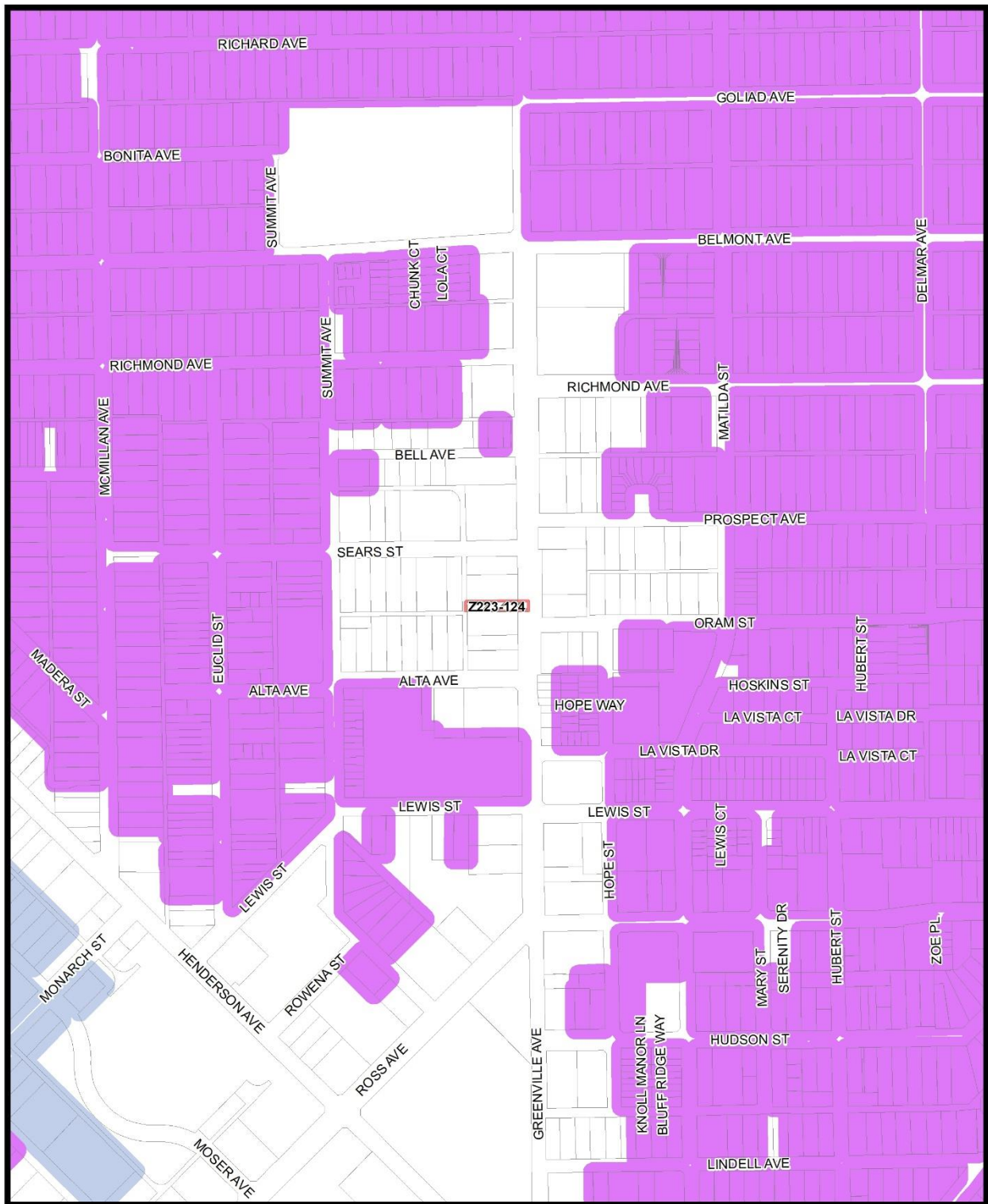












Market Value Analysis A B C D E F G H I NA



# Market Value Analysis

Printed Date: 5/1/2023



<p>The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.</p>	<p>El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.</p>	
<p>The number '0' indicates City of Dallas Ownership</p>		
<div style="text-align: center;">   <b>1:1,200</b> </div>	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;"><b>200'</b></div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;"><b>16</b></div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	<p>Case no: <b>Z223-124</b></p> <p>Date: <b>4/28/2023</b></p>

04/28/2023

***Notification List of Property Owners******Z223-124******16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1917 GREENVILLE AVE	MEDICAPITAL INC
2	2026 GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
3	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
4	2000 GREENVILLE AVE	2000 GREENVILLE INVESTORS LLC
5	5712 ORAM ST	LOWGREEN PS
6	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
7	5618 SEARS ST	GREENVILLE HOLDINGS CO
8	5628 SEARS ST	ANDRES FAMILY TRUSTS
9	5619 ALTA AVE	THACKER RICHARD E JR
10	5623 ALTA AVE	GREENWAYSEARS LP
11	5627 ALTA AVE	LOWGREEN PS LTD
12	1931 GREENVILLE AVE	GREENWAY SEARS LP
13	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
14	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
15	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
16	5622 SEARS ST	5624 SEARS STREET LTD