

CITY PLAN COMMISSION

THURSDAY, MAY 18, 2023

Planner: Jennifer Muñoz

FILE NUMBER: Z223-129(JM) **DATE FILED:** November 15, 2022

LOCATION: Southeast corner of Greenville Avenue and Oram Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 0.279 acres **CENSUS TRACT:** 48113001101

OWNER: Lowgreen PS

APPLICANT: Rye Dallas, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned ~~Subdistrict No. 2~~ within Planned Development District No. 842 with an MD-1 Modified Delta Overlay.

SUMMARY: The applicant requests to operate an existing restaurant [Rye Restaurant] during late hours (9:00 p.m. to 2:00 a.m.), Monday through Sunday.

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.
- The 0.279-acre area of request is developed with an approximately 10,467-square foot two-story building with four suites erected in 1930, and a one-story 494-square-foot “cocktail lounge” erected in 2005, per DCAD records.
- Rye Restaurant and Apothecary received a Certificate of Occupancy on April 16, 2021 and occupies two suites with a floor area of 3,820 square feet and a patio area of 850 square feet.
- PD No. 842 defines a late hours establishment as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The applicant is seeking to extend the hours of operation for the restaurant use to 2 a.m., Monday through Sunday.

Zoning History:

There have been 19 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 & 124:** An application to amend Subdistrict No. 1 and for a Specific Use Permit for a late hours establishment on property 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. [Cases scheduled for City Plan Commission hearing on May 18, 2023]

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:

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

Land Use Compatibility:

The approximate 0.279-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 two-story building with four and a total floor area of 10,961 square feet, per DCAD records.

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.

Rye Restaurant and Apothecary received a Certificate of Occupancy on April 16, 2021 and occupies two suites with a floor area of 3,820 square feet and a patio area of 850 square feet.

PD No. 842 defines a late hours establishment as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The applicant is seeking to extend the hours of operation for the restaurant use to 2 a.m., Monday through Sunday.

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. Under the conditions proposed with limited hours of operation, outdoor speakers only until 12 a.m., and the site plan provided, the operation of the use during extended hours is compatible with the surrounding area. If the operation with the extended hours causes a nuisance or fails to meet the provisions of maintaining an SUP as described above, the public hearing process will assist with identifying those issues. Overall, 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 site plan provided identifies a parking analysis inclusive of the entire property/all four suites. The total restaurant without drive-in or drive through floor area identified includes the subject applicant's 4,670 square feet and another suite with 5,152 square feet. The last suite occupies 2,749 square feet with a retail use. The restaurant uses require one parking space per 100 square feet of floor area. The retail use requires one space per 200 square feet of floor area. In all, 103 parking spaces are required. According to the analysis, 105 spaces are provided by remote parking agreement at 5712 Oram Street, 5601 Alta Avenue, and 1903 Greenville Avenue.

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

Lowgreen PS – Andres Properties

Shula Netzer, General Partner
Marc Andres, Manager
Roger Andres, Member

Rye Dallas, LLC

DBA Rye Apothecary

Tanner Agar, CEO
Nicholas Cain, CFO

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a late hours establishment limited to a restaurant without 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 **TWO YEARS** from passage of this ordinance.
4. FLOOR AREA: The maximum floor area is 4,670 square feet in the location shown on the attached site plan
5. HOURS OF OPERATION: The late hours establishment must cease operation by 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.
6. OUTSIDE SPEAKERS: Use of loudspeakers outdoors is prohibited between the hours of 12:00 a.m. and 2:00 a.m.
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.

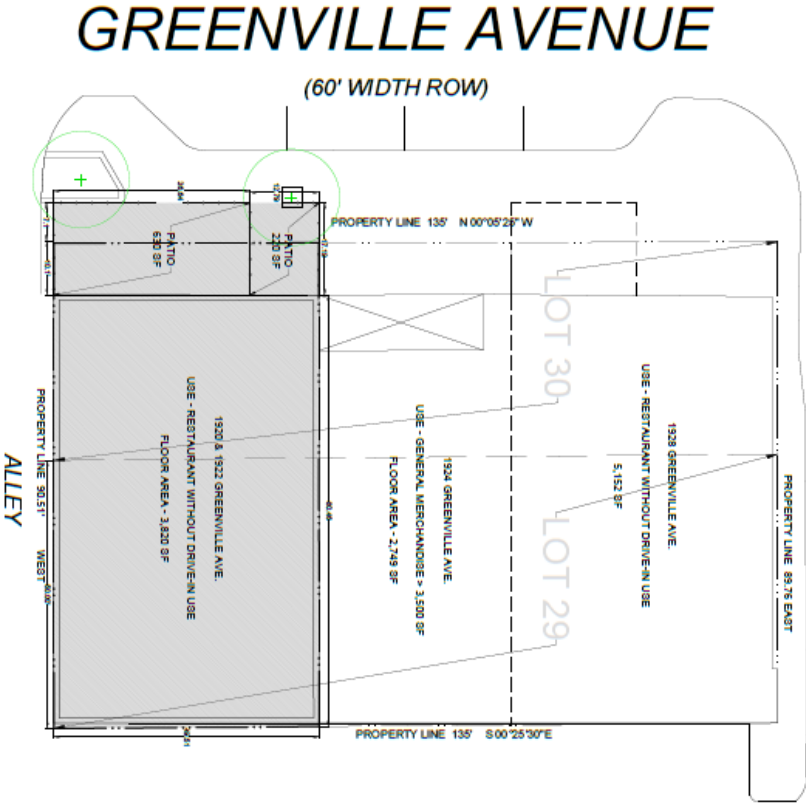
Proposed SUP Site Plan



1

SUP SITE PLAN

SCALE: 1" = 10'-0"



ORAM STREET
(40' ROW)

SUP - FOR LATE HOURS ESTABLISHMENT LIMITED TO A RESTAURANT WITHOUT A DRIVE-IN OR DRIVE THROUGH



VICINITY MAP



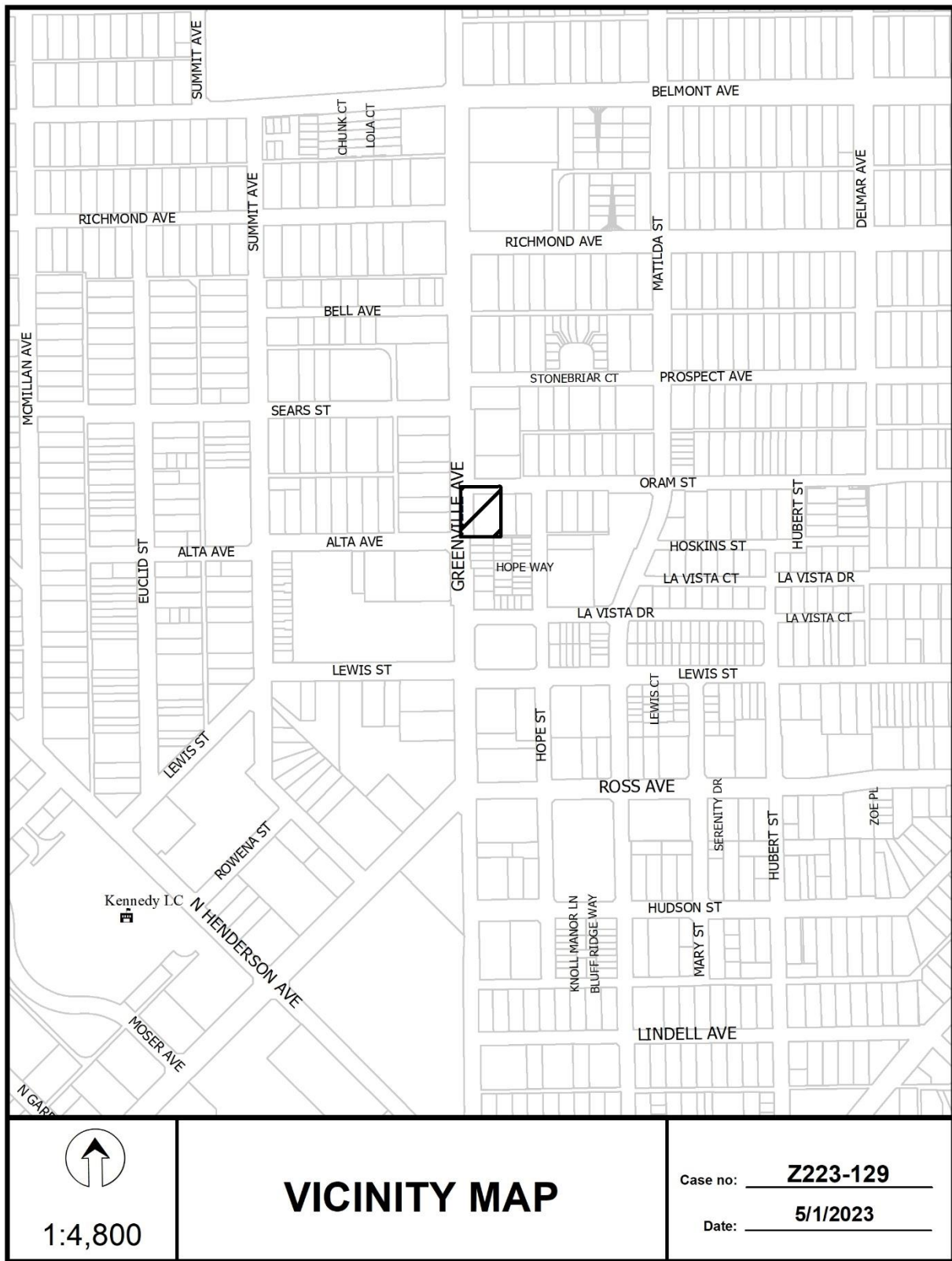
SITE DATA SUMMARY			
ZONING	PD 842 Subdivided 2		
ADDRESS	Modified Delta Overlay-1, Tract 3		
BASE ZONING	1920 & 1922 GREENVILLE AVE.		
LAND AREA	279 Acres		
SUP FLOOR AREA SF	3,820		
SUP PATIO AREA SF	850		
TOTAL SUP AREA SF	4,670		
BLOCK	1907		
LOTS	Part Lots 29 & 30		
HEIGHT	3-5 STORY		

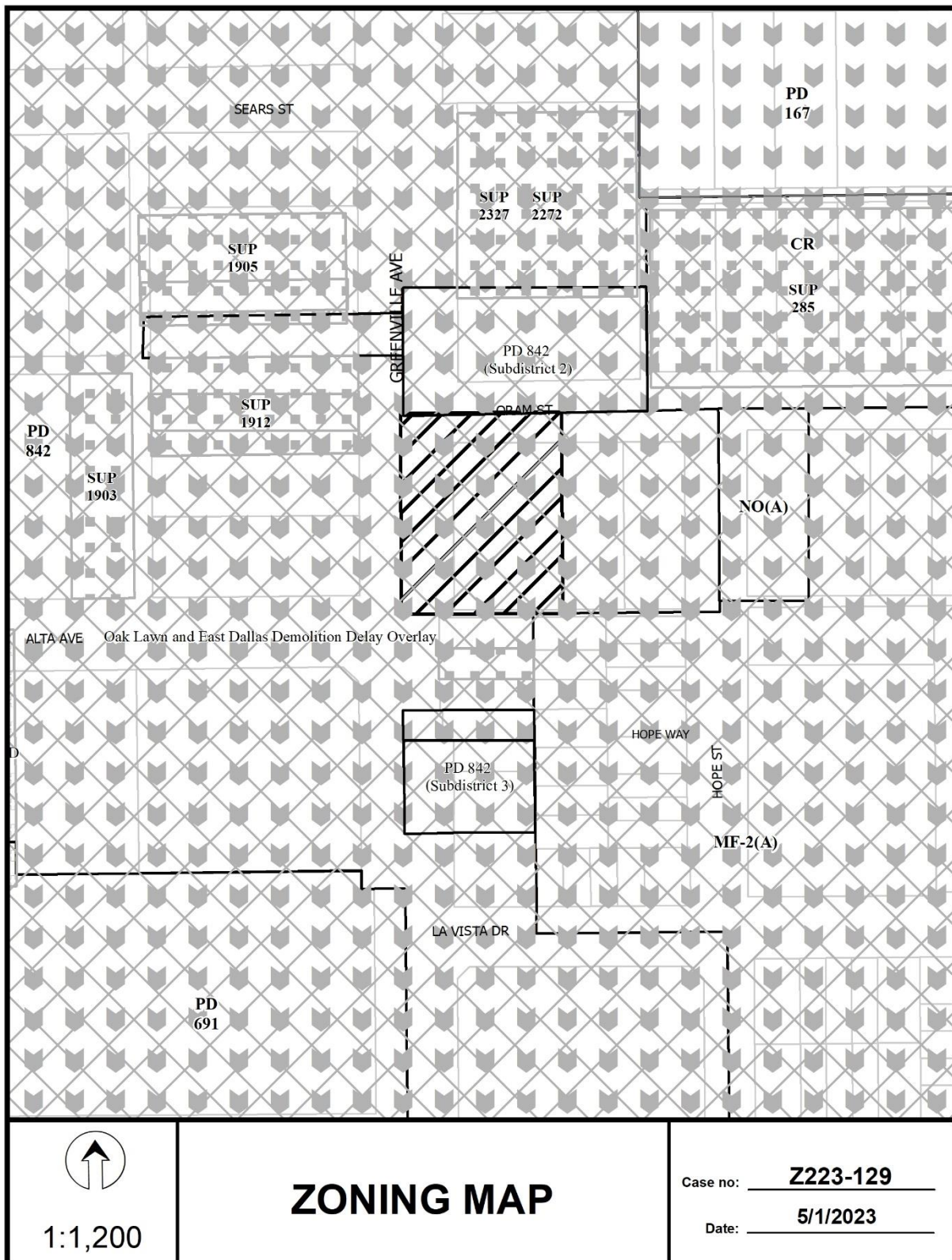
Parking Analysis : 1920 - 1922 Greenville Ave. Block 1907 Lots 29 - 30					
Address	Name	Use	SF	Parking Ratio	Required Provide d
1920 Greenville Ave.	Rye	Restaurant	2,530	100	25
1922 Greenville Ave.	Apothecary	Restaurant	1,290	100	13
1924 Greenville Ave.	The Merchant	Restan	2,740	200	14
1928 Greenville Ave.	Hede	Restaurant	5,152	100	52
Total			11,721		105

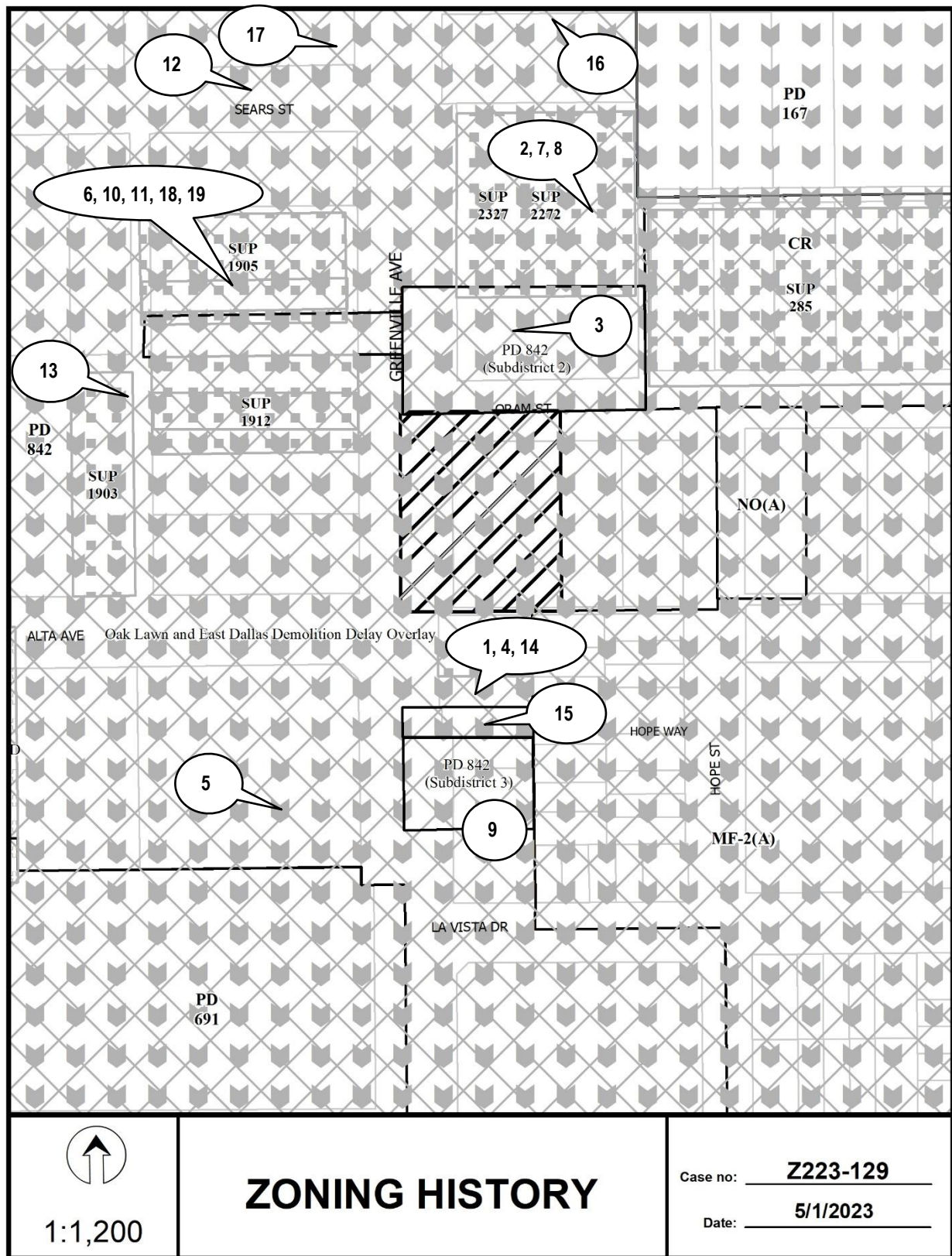
Spaces Provided by Remote Parking Agreement			
Address	Total parking Spaces	Total Spaces Provided	
5712 Oran	27	27	
5601 Alia	38	38	
1901 Greenville Ave.	40	40	
Total Spaces Provided	105	105	

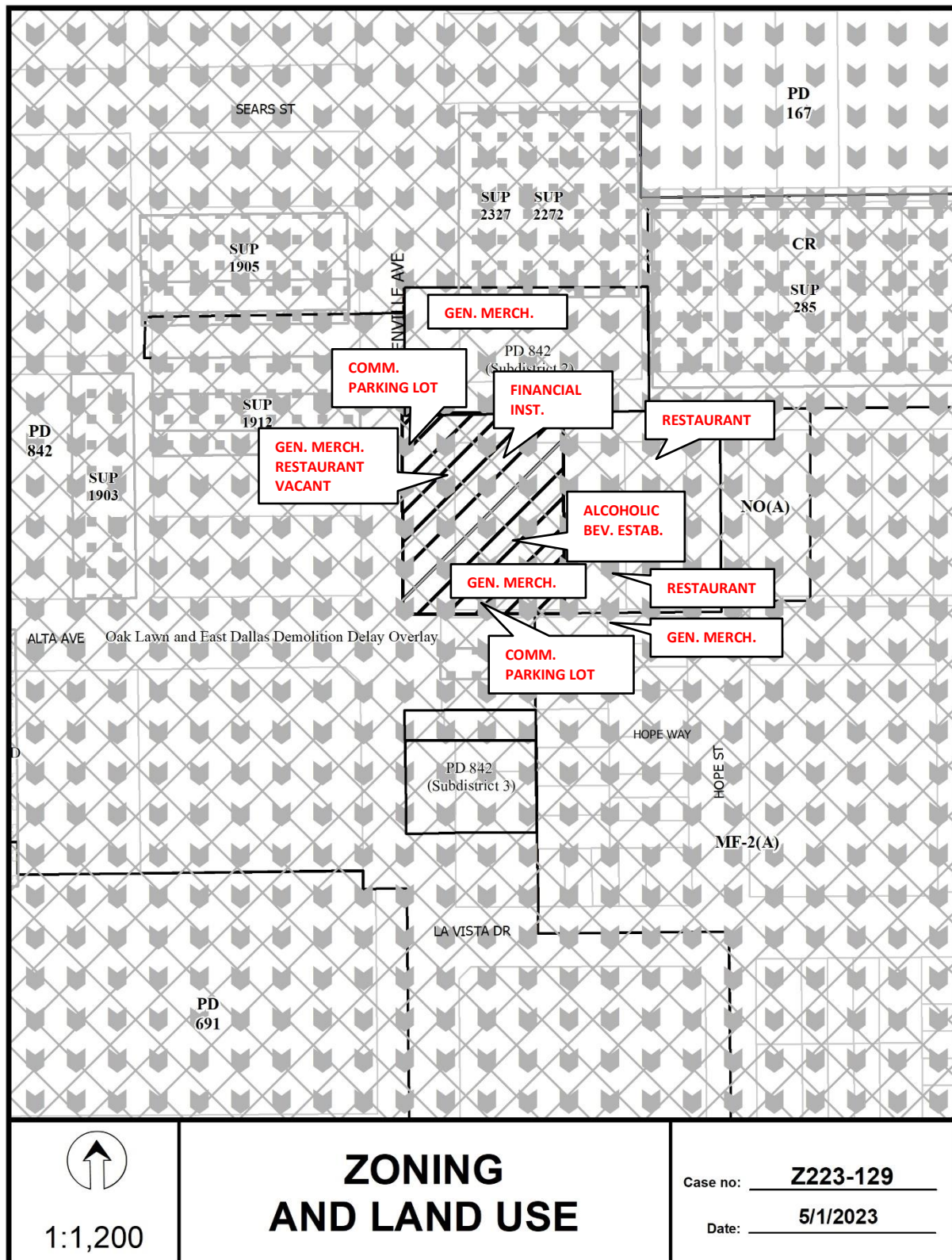


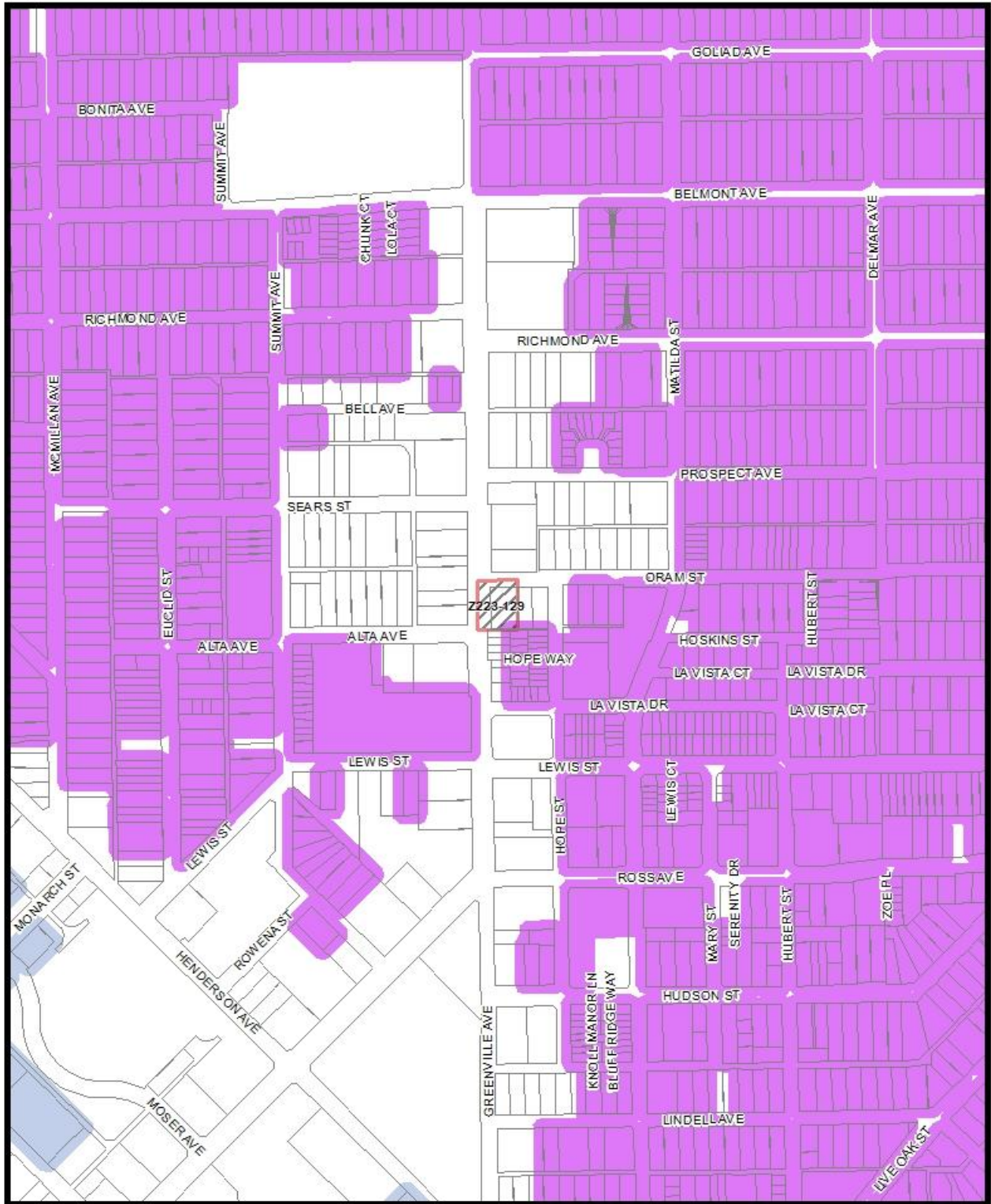
ZONING CASE #: Z223-129(JM)











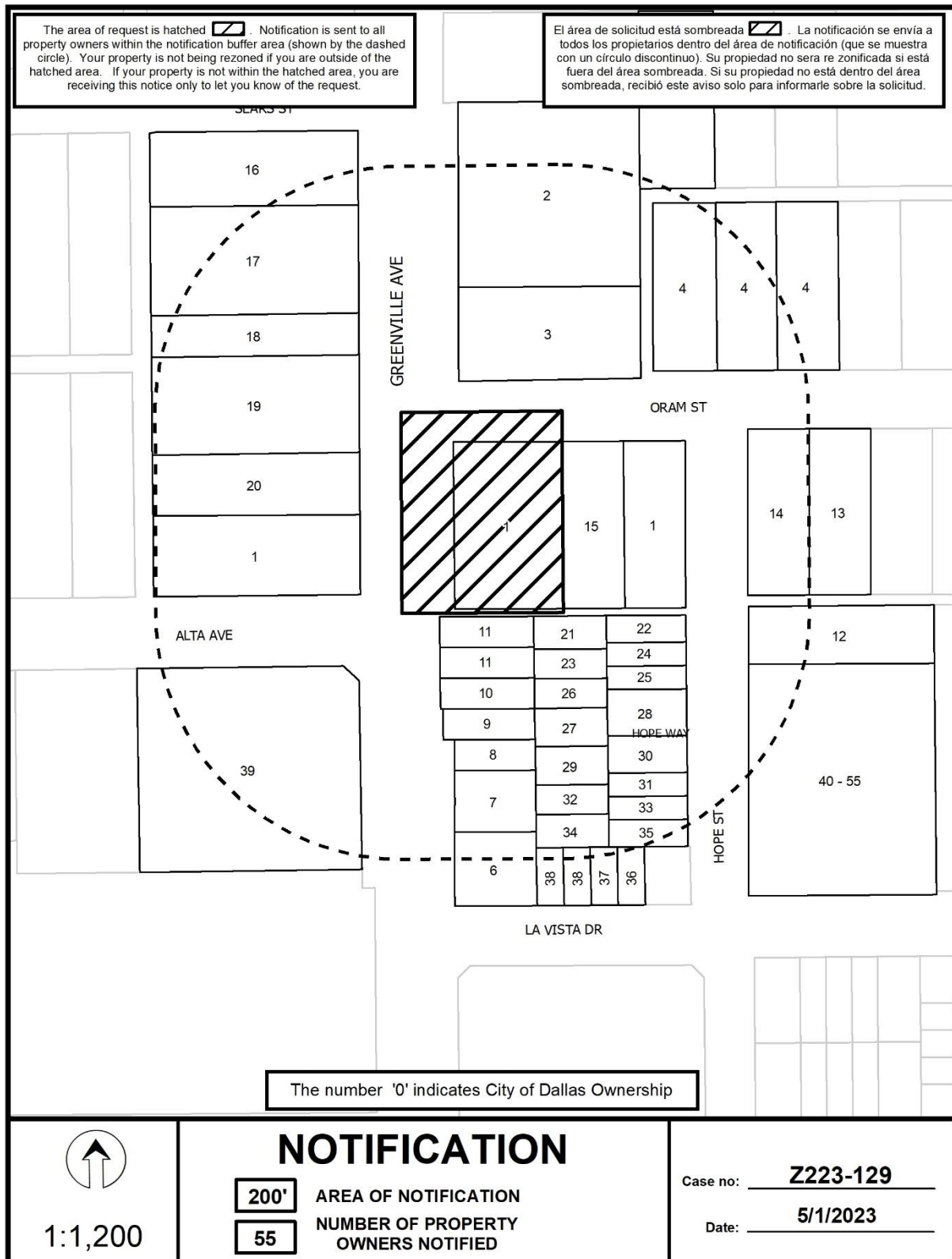
Market Value Analysis

A	B	C	D	E	F	G	H	I	NA
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 1:4,800

Market Value Analysis

Printed Date: 5/1/2023



05/01/2023

Notification List of Property Owners***Z223-129******55 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5712 ORAM ST	LOWGREEN PS
2	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
3	2000 GREENVILLE AVE	2000 GREENVILLE INVESTORS LLC
4	5715 ORAM ST	ONCOR ELECRIE DELIVERY COMPANY
5	5716 PROSPECT AVE	ANDRES FAMILY TRUST
6	1900 GREENVILLE AVE	EDWARDS CHARLES DUFF
7	1904 GREENVILLE AVE	RBT INTERESTS INC &
8	1908 GREENVILLE AVE	GREENVILLE PARKS LP
9	1910 GREENVILLE AVE	TEXAS URBAN LIVING REALTY LLC
10	1912 GREENVILLE AVE	LOWGREEN PS LTD
11	1914 GREENVILLE AVE	LOWGREEN PS LTD
12	1926 HOPE ST	1916 HOPE LLC
13	5726 ORAM ST	ORAM HOME LLC
14	5722 ORAM ST	MCKINNEY FEARGAL &
15	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
16	1931 GREENVILLE AVE	GREENWAY SEARS LP
17	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
18	1917 GREENVILLE AVE	MEDICAPITAL INC
19	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
20	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
21	1919 HOPE WAY	NGUYEN NGOC DIEP
22	1922 HOPE WAY	DICKEY ROBERT LEE III &
23	1917 HOPE WAY	BACHMAN CLAYTON K
24	1920 HOPE WAY	ISAACSON CHRISTOPHER M
25	1918 HOPE WAY	MCCOWAN ROBERT W
26	1915 HOPE WAY	ALARCON WALDO & YAZMIN R

05/01/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1913 HOPE WAY	HERNDON LINDSEY
28	1916 HOPE WAY	OTOOLE TIMOTHY
29	1911 HOPE WAY	NIEHUUS MICHAEL
30	1912 HOPE WAY	MTS TEXAS HOLDINGS LLC
31	1910 HOPE WAY	REKER STEVEN &
32	1909 HOPE WAY	JOHNSON RONALD L
33	1908 HOPE WAY	GANDHI ANUPAMA K
34	1907 HOPE WAY	WEINER ERIC DAVID
35	1906 HOPE WAY	ABOUJAOUDE DORY
36	5713 LA VISTA DR	DALIDA CHAD
37	5711 LA VISTA DR	Taxpayer at
38	5709 LA VISTA DR	SHANE MARIO M & RACHELLE
39	1827 GREENVILLE AVE	LOWGREEN PS
40	1910 HOPE ST	MOJICA EDWARD
41	1910 HOPE ST	KEELING THOMAS
42	1910 HOPE ST	BUCKLEY KEVIN & MARGARET
43	1910 HOPE ST	KUPERMAN YELENA
44	1910 HOPE ST	CROUCH EDIE D
45	1910 HOPE ST	BLECHER MARK WARREN
46	1910 HOPE ST	BEAHM CYNTHIA DIANE
47	1910 HOPE ST	GALLEGOS LISA RASHELLE
48	1910 HOPE ST	UTKOV HALLIE T 2021 REVOCABLE TRUST
49	1910 HOPE ST	KOBAYASHI AARON S &
50	1910 HOPE ST	MERZ RYAN E
51	1910 HOPE ST	LOTT LESLIE
52	1910 HOPE ST	ANKERSEN KRISTEN A
53	1910 HOPE ST	WEBER BROS HOMES TX LLC
54	1910 HOPE ST	ELLINGTON AMBER JEAN
55	1910 HOPE ST	BLECHER PAUL