

FILE NUMBER: Z189-159(CT) **DATE FILED:** December 21, 2018**LOCATION:** East line of Marvin D. Love Freeway, south of West Red Bird Lane**COUNCIL DISTRICT:** 3 **MAPSCO:** 63 R**SIZE OF REQUEST:** ± 17.08 acres **CENSUS TRACT:** 109.02

OWNER/APPLICANT: TCHF V, LP**REPRESENTATIVE:** Charles Lucenay**REQUEST:** An application for the removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay with consideration given to deed restrictions volunteered by the applicant and the consideration of a D-1 Liquor Control Overlay.**SUMMARY:** The purpose of this request is to allow for the future sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant or retail use.**CPC RECOMMENDATION:** **Denial** without prejudice.**STAFF RECOMMENDATION:** **Denial** without prejudice.

BACKGROUND INFORMATION:

- The request site is currently developed with a 183,390-square-foot shopping center.
- The applicant proposes to sell alcohol in conjunction with a restaurant or retail use.
- On May 16, 2019, the City Plan Commission held this item under advisement and instructed staff to readvertise the request with consideration of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay.
- On June 20, 2019, the City Plan Commission denied the re-advertised request of the removal of the D Liquor Control Overlay with consideration of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay.
- The applicant subsequently appealed the case to City Council.
- On August 20, 2019, City Council remanded the case to City Plan Commission for the consideration of deed restrictions volunteered by the applicant in conjunction with the request to remove the D Liquor Control Overlay.
- On September 19, 2019, the City Plan Commission denied the request of removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay with consideration given to deed restrictions volunteered by the applicant and the consideration of a D-1 Liquor Control Overlay.

Zoning History:

There have been no recent zoning cases within close proximity of the subject site within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
W. Red Bird Lane	Minor Arterial	100 ft.
Hampton Road	Principal Arterial	100 ft.

Land Use:

Area	Zoning	Land Use
Site	RR-D	Shopping Center
North	RR-D	Undeveloped
South	R-10(A)	Single Family
West	IR, SUP No. 169	Red Bird Airport
East	PDD No. 48, R-7.5(A)	Single Family

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 does not comply with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD ELEMENT**GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS**

Policy 7.1.2 Promote neighborhood-development compatibility.

The proposed use does not complement the characteristics of the Hampton Road corridor which is a vastly residential sector of the city.

Land Use Compatibility:

The subject site is currently developed with a shopping center. Both the subject site and the property to the north, across West Red Bird Lane, are within an RR Regional Retail District. The RR Regional Retail District serves to provide for the development of regional-serving retail, personal service, and office uses. Single family neighborhoods exist to the east and southeast, and a residential district abuts the subject site to the south, at the rear property line. Furthermore, a D Liquor Control Overlay covers the RR Regional Retail

District, including the property north of the subject site, seemingly to perform as a barrier to residential uses.

Alcohol Spacing Regulations:

The D Liquor Control Overlay prohibits the sale of alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises. The applicant has requested the removal of the D Liquor Control Overlay, which, if approved, will allow the sale of alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

Staff does not support the removal of the D Liquor Control Overlay as the overlay has been placed purposefully over the Regional Retail District as to prevent the sale and consumption of alcoholic beverages in proximity to residential districts that surround the subject site.

The sale of alcohol is prohibited within 300 feet of a church, public or private school, public hospital, day-care center or child-care facility. Spacing from the site to a church and hospital is measured from front door to front door. Spacing from the site to a school, day-care, or child care facility is property line to property line. Due to the church and child-care facility located on the subject site resulting in an inability to meet the spacing requirement, the applicant has applied for an alcohol spacing variance.

The applicant seeks for the zoning change request and variance request to reach City Council at the same hearing. As the zoning change and alcohol spacing variance are separate processes and the alcohol variance does not require City Plan Commission approval, the City Plan Commission may consider this zoning request before the alcohol spacing variance is approved.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
RR Regional Retail	15'	20' adjacent to residential OTHER: No Min.	0.5 for office 1.5 FAR for all uses combined	70' 5 stories	80%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking:

Parking is required for each use on the property pursuant to Section 51A-4.200 the Dallas Development Code.

Landscaping:

Landscaping will be provided per Article X, as amended.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

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 area of request is not within an identifiable MVA category; however, it is surrounded by an “F” MVA cluster on the immediate east, southeast, and south.

List of Officers

Charles Lucenay

Texas Capital Holdings, LLC

The Pivovarovoff Second Family Limited Partnership

Texas Capital Equities

H & H Trust

MJC Investors

CPC ACTION:
May 16, 2019

Motion: In considering an application for the removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the east line of Marvin D. Love Freeway, south of West Red Bird Lane, it was moved to **hold** this case under advisement until June 20, 2019 and to instruct staff to re-notify for a D-1 Liquor Control Overlay.

Maker: Criss
Second: Shidid
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter,
Brinson, Lewis, Jung, Housewright, Schultz,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

Notices: Area: 400 Mailed: 120
Replies: For: 2 Against: 9

Speakers: For: Charles Lucenay, 118 Vintage Park Blvd., Houston, TX, 77070
For (Did not speak): Lillie Rosborough, 6520 Club Wood Dr., Dallas, TX, 75237
Against: Darlene Jones, 2540 Club Terrace Dr., Dallas, TX, 75237

**CPC ACTION:
June 20, 2019**

Motion I: In considering an application for the removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay with consideration given to a D-1 Liquor Control Overlay on the east line of Marvin D. Love Freeway, south of West Red Bird Lane, it was moved to **hold** this case under advisement until July 11, 2019.

Maker: Criss
Second: Housewright
Result: Failed: 5 to 7

For: 5 - Criss, Shidid, Jung, Housewright, Schultz,

Against: 7 - MacGregor, Schulte, Carpenter, Brinson, Lewis,
Murphy, Ridley
Absent: 2 - Johnson, Tarpley
Vacancy: 1 - District 12

Motion II: It was moved to recommend **denial without prejudice** of the removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay with consideration given to a D-1 Liquor Control Overlay on the east line of Marvin D. Love Freeway, south of West Red Bird Lane.

Maker: Ridley
Second: Schulte
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Criss, Shidid, Carpenter,
Brinson, Lewis, Jung, Housewright, Schultz,
Murphy, Ridley

Against: 0
Absent: 2 - Johnson, Tarpley
Vacancy: 1 - District 12

Notices:	Area: 400	Mailed: 120
Replies:	For: 5	Against: 7

Speakers: For: None
Against: Martha Fernandez, 2467 Club Terrace Dr., Dallas, TX, 75237

CPC ACTION:
September 19, 2019

Motion I: It was moved to recommend **approval** of the removal of a D Liquor Control Overlay, subject to deed restrictions volunteered by the applicant on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the east line of Marvin D. Love Freeway, south of West Red Bird Lane with consideration given to deed restrictions volunteered by the applicant and the consideration of a D-1 Liquor Control Overlay.

Maker: Criss
Second: Schultz
Result: Failed: 4 to 8

For: 4 - Criss, Johnson, Schultz, Murphy

Against: 8 - MacGregor, Schulte, Shidid, Carpenter, Brinson,
Jung, Housewright, Ridley

Absent: 1 - Tarpley

Vacancy: 2 - District 8, District 12

Motion II: It was moved to recommend **denial without prejudice** of the removal of a D Liquor Control Overlay on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the east line of Marvin D. Love Freeway, south of West Red Bird Lane with consideration given to deed restrictions volunteered by the applicant and the consideration of a D-1 Liquor Control Overlay.

Maker: Schulte
Second: Jung
Result: Carried: 11 to 1

For: 11 - MacGregor, Schulte, Johnson, Shidid, Carpenter,
Brinson, Jung, Housewright, Schultz, Murphy,
Ridley,

Against: 1 - Criss

Absent: 1 - Tarpley

Vacancy: 2 - District 8, District 12

Notices: Area: 400 Mailed: 120

Replies: For: 5 Against: 9

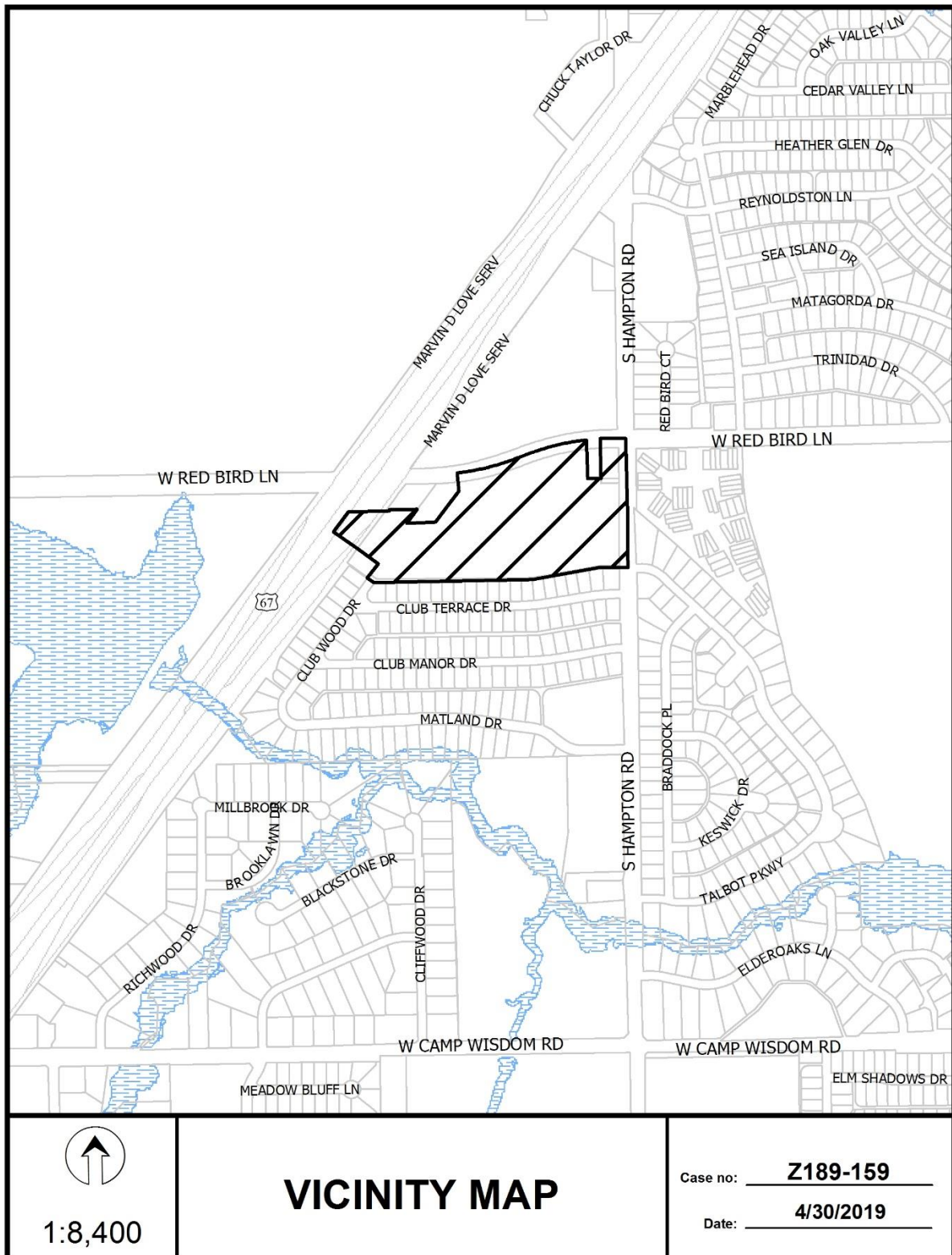
Speakers: For: Charles Lucenay, 118 Vintage Park Blvd., Houston, TX, 77070
Greg Demus, 5211 Dazzle Dr., Dallas, TX, 75232
Joseph White, 1540 Russell Glen Ln., Dallas, TX, 75232
Joseph Mohamed, 430 E. Ledbetter Dr., Dallas, TX, 75216
Against: None

Volunteered Deed Restrictions

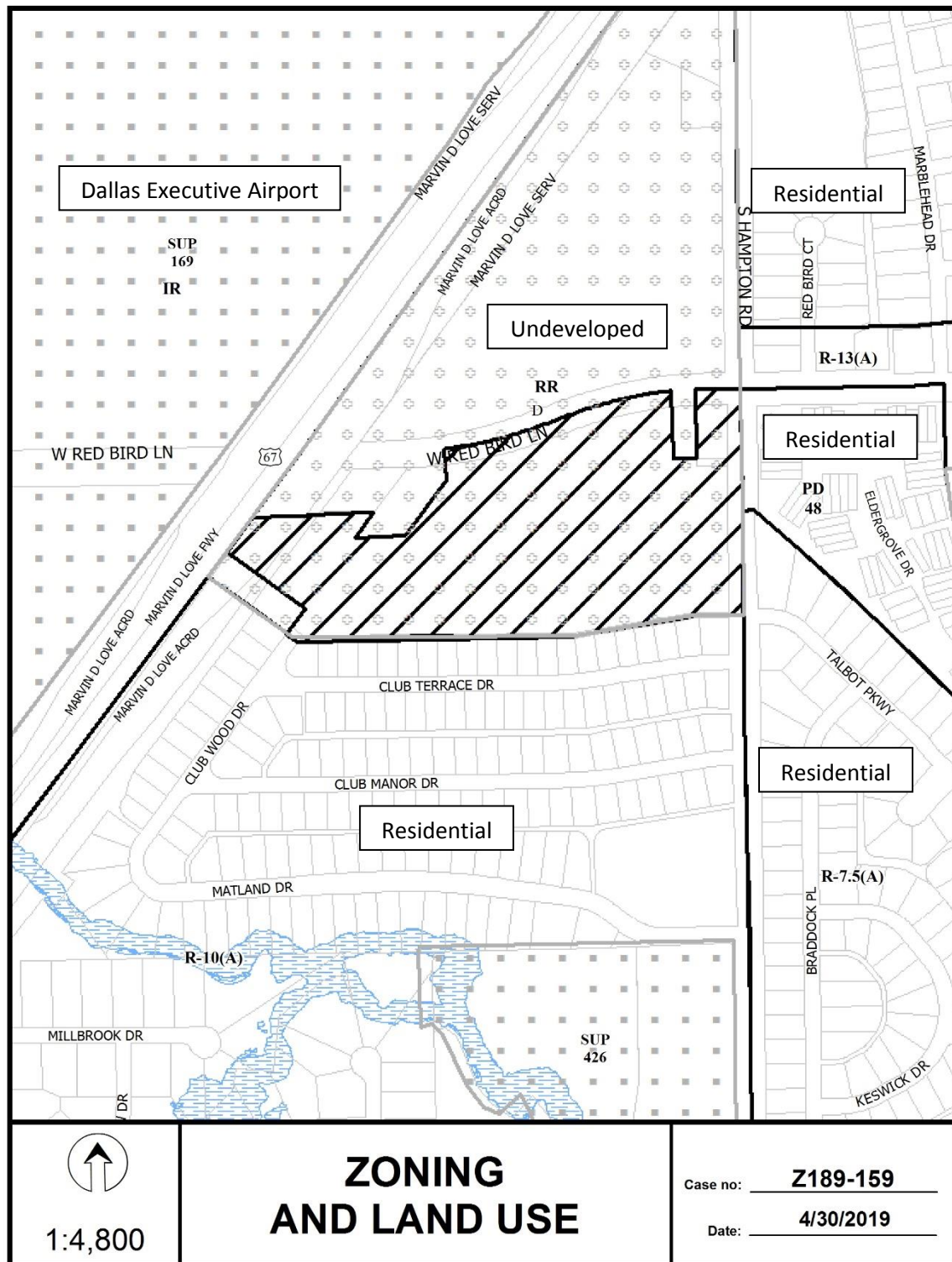
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

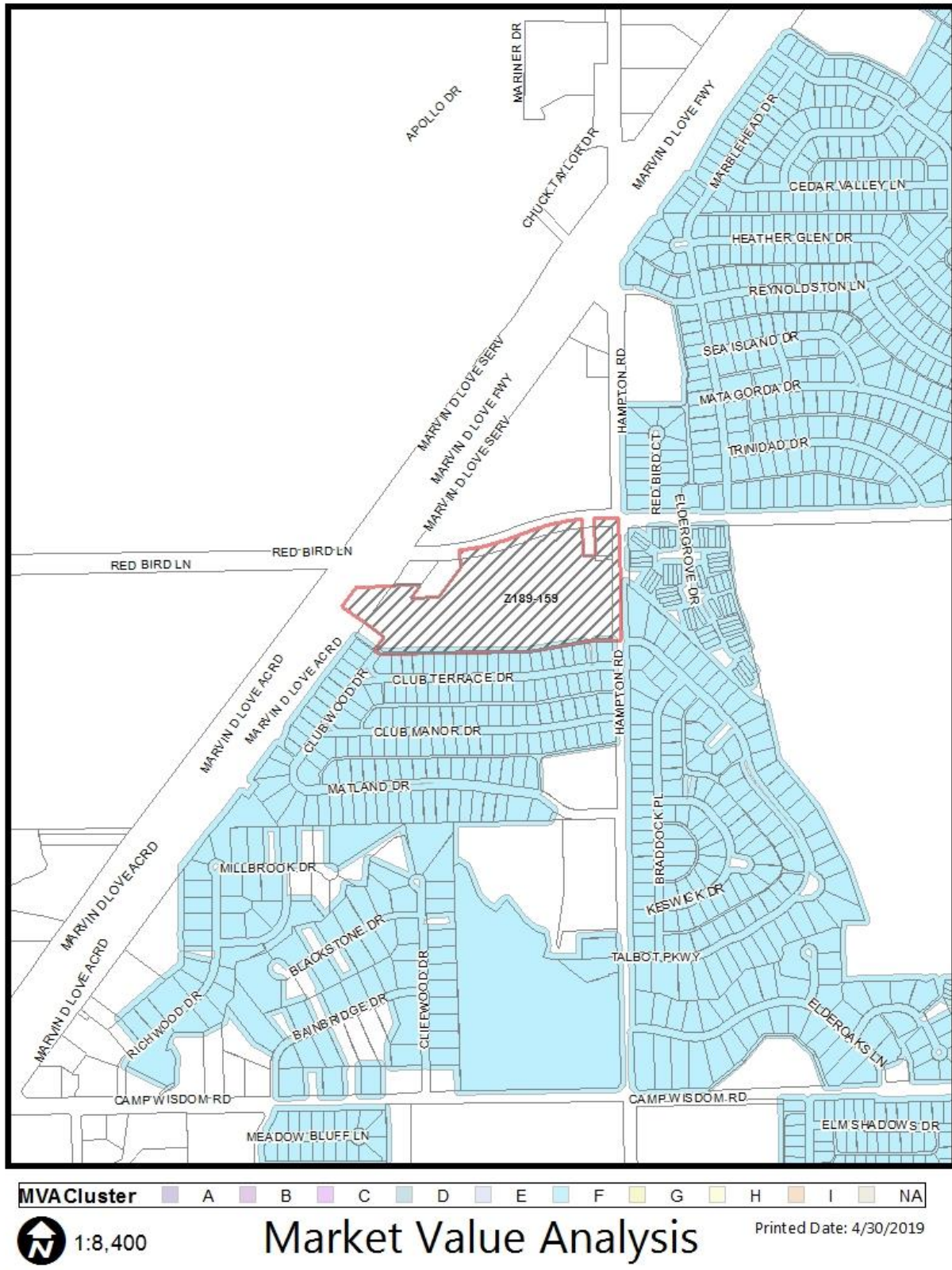
The following use is prohibited:

Retail and personal service uses limited to a liquor store.

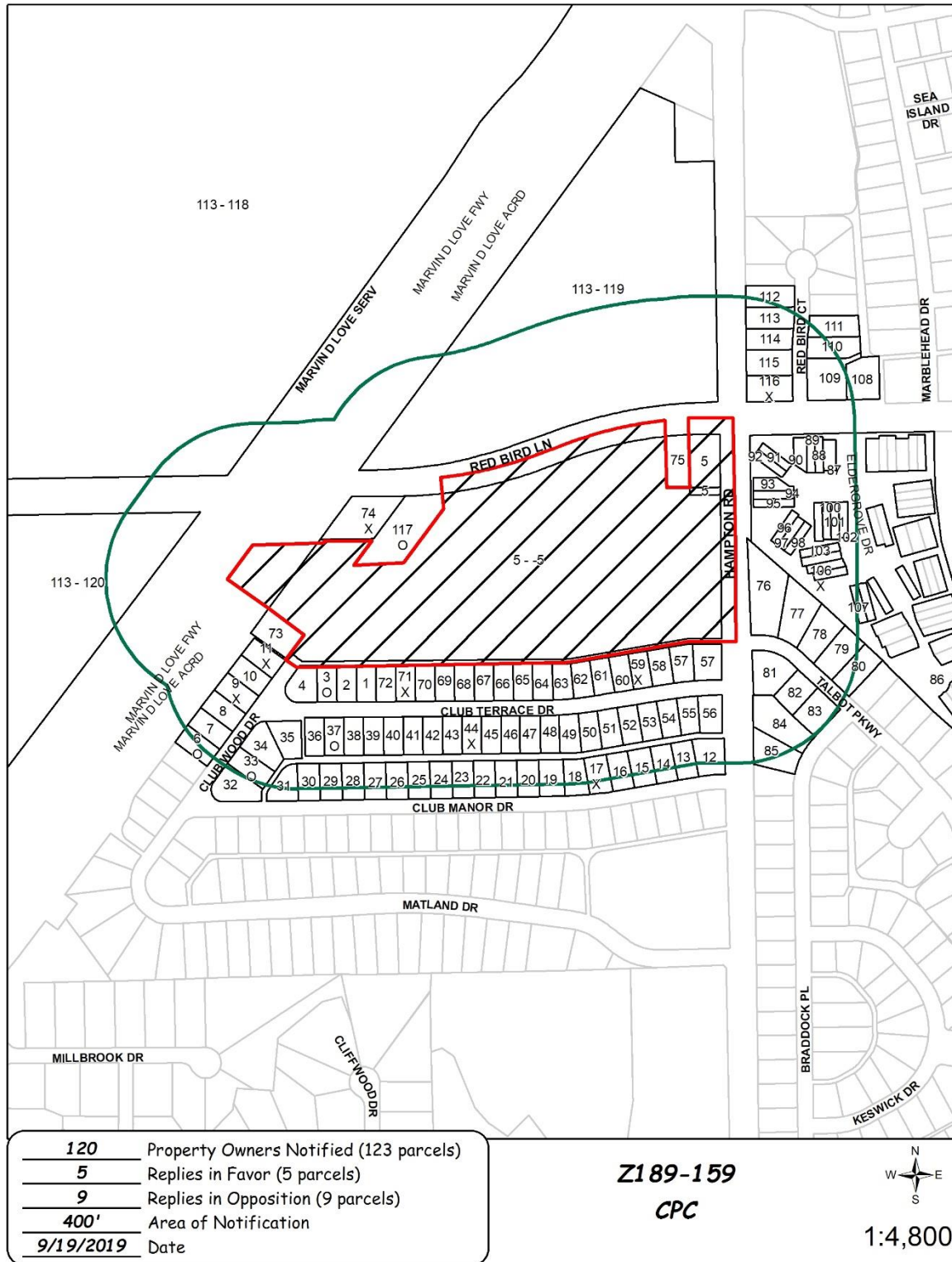








CPC RESPONSES



09/18/2019

Reply List of Property Owners***Z189-159******120 Property Owners Notified 5 Property Owners in Favor 9 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2527 CLUB TERRACE DR	WASHINGTON BRANDON
	2	2531 CLUB TERRACE DR	AMERICAN EAGLE TRUST
O	3	2535 CLUB TERRACE DR	BOSTON JOSEPH W JR
	4	2539 CLUB TERRACE DR	JEFFERSON TERRON D &
	5	2550 W RED BIRD LN	TCHF V LP
O	6	6519 CLUB WOOD DR	MORGAN JAMES L & ANNIE J
	7	6515 CLUB WOOD DR	WATSON JOHN & VICKIE
	8	6509 CLUB WOOD DR	KNOX NATHANIEL P JR &
X	9	6505 CLUB WOOD DR	DENSON CHARLES E
	10	6431 CLUB WOOD DR	PONCE JOSE FELIX
X	11	6425 CLUB WOOD DR	JACKSON WANDA J
	12	2407 CLUB MANOR DR	ZENO DONETTE
	13	2411 CLUB MANOR DR	TANNER VENITA B A
	14	2417 CLUB MANOR DR	HARRIS VON & TAMMY
	15	2421 CLUB MANOR DR	MATTHEWS DOROTHY ENOLA EST OF
	16	2427 CLUB MANOR DR	WILEY DONALD C TRUSTEE
X	17	2431 CLUB MANOR DR	ANDERSON KAMMI
	18	2437 CLUB MANOR DR	NATIONSTAR MTG LLC
	19	2443 CLUB MANOR DR	WILLIAMS MARILYNN Y
	20	2449 CLUB MANOR DR	MCMILLIAN EUGENE L
	21	2455 CLUB MANOR DR	WEAVER CECIL OBRIAN
	22	2461 CLUB MANOR DR	COLLINS ANDREW & GRETCHEN
	23	2507 CLUB MANOR DR	PORTER DONNELL & LOUISE L
	24	2511 CLUB MANOR DR	QUEZADA EVA
	25	2517 CLUB MANOR DR	YOUNG JAMES BOWMAN III
	26	2521 CLUB MANOR DR	DIAZ KARINA

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2527 CLUB MANOR DR	CASADOS NOEMI ALICIA &
	28	2531 CLUB MANOR DR	ANTAI-OTONG DEBORAH &
	29	2537 CLUB MANOR DR	BROWN LEMANUEL & MELBA J
	30	2541 CLUB MANOR DR	JONES LEORA LEE
	31	2547 CLUB MANOR DR	MORRIS JEANETTE
	32	6520 CLUB WOOD DR	ROSBOROUGH LILLIE B
O	33	6516 CLUB WOOD DR	MARSHALL STACY E
	34	6510 CLUB WOOD DR	WALTON ALEX JR & DOROTHY J
	35	2540 CLUB TERRACE DR	JONES HARVEY L & DARLENE
	36	2538 CLUB TERRACE DR	WALTON WILLIE JAMES
O	37	2532 CLUB TERRACE DR	HUNT JANETTA
	38	2528 CLUB TERRACE DR	GREY FAYETTA R
	39	2524 CLUB TERRACE DR	FLOWER BRYAN L &
	40	2520 CLUB TERRACE DR	PANIAGUA SANDRA
	41	2516 CLUB TERRACE DR	HERNANDEZ NUVIA
	42	2512 CLUB TERRACE DR	HARRIS TRAVIS EDWARD
	43	2508 CLUB TERRACE DR	ROBERTS QUINCY
X	44	2502 CLUB TERRACE DR	COLEMAN FLO J
	45	2466 CLUB TERRACE DR	MENDOZA JANETH DEL CARMEN SALINAS
	46	2460 CLUB TERRACE DR	BLACKWELL JAMES L & JULIA P
	47	2454 CLUB TERRACE DR	DRAKE VINCENT L &
	48	2448 CLUB TERRACE DR	WORDLAW DOROTHY
	49	2442 CLUB TERRACE DR	WRIGHT JAMIE
	50	2436 CLUB TERRACE DR	BONAT & KINO PROPERTIES LLC
	51	2430 CLUB TERRACE DR	FOPPE VILLA
	52	2426 CLUB TERRACE DR	TRAYLOR SONNIE
	53	2420 CLUB TERRACE DR	WESTBROOK MARY E EST OF
	54	2416 CLUB TERRACE DR	CHISM HAROLD W
	55	2410 CLUB TERRACE DR	SMITH WALTER EST OF
	56	2404 CLUB TERRACE DR	JAMES JEAN FAMILY TRUST THE
	57	2405 CLUB TERRACE DR	MORGAN SHEILA BELINDA

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2417 CLUB TERRACE DR	VALDEZ JUAN
X	59	2421 CLUB TERRACE DR	TAYLOR BOBBIE JEAN
	60	2427 CLUB TERRACE DR	GREER JOHN EARL
	61	2431 CLUB TERRACE DR	ECHEVERRIA YESENIA
	62	2437 CLUB TERRACE DR	POWERS ERVIN EARL & JOAN
	63	2443 CLUB TERRACE DR	JOHNSON VANESSA R
	64	2449 CLUB TERRACE DR	ALDANA PATRICIA M
	65	2455 CLUB TERRACE DR	TIPPS CELESTINE
	66	2461 CLUB TERRACE DR	CHAPPLE WILLIE C EST OF
	67	2467 CLUB TERRACE DR	FERNANDEZ MARTHA
	68	2503 CLUB TERRACE DR	JONES CHARLES H
	69	2509 CLUB TERRACE DR	DICKERSON JOHNNY &
	70	2515 CLUB TERRACE DR	PATTERSON TIMETRA L
X	71	2519 CLUB TERRACE DR	MCKINNEY DETROIT M
	72	2523 CLUB TERRACE DR	WILEY ERNEST R JR &
	73	6230 MARVIN D LOVE FWY	MAO LP
X	74	6210 MARVIN D LOVE FWY	IRMAZA INC
	75	2420 W RED BIRD LN	JAS MAVERICK PPTIES LLC
	76	6408 TALBOT PKWY	COOPER MICHAEL
	77	6414 TALBOT PKWY	MARSHALL PHEBIA
	78	6420 TALBOT PKWY	LEWIS CHARLES D SR &
	79	6426 TALBOT PKWY	WALLACE JERRY BOB
	80	6432 TALBOT PKWY	JACKSON CYNTHIA REYNA
	81	6415 TALBOT PKWY	TODD JERRY R
	82	6423 TALBOT PKWY	JOHNSON KAREN L
	83	6431 TALBOT PKWY	SMITH JOHNNY C & VIOLET R
	84	6517 BRADDOCK PL	SIMPSON CAROL A
	85	6523 BRADDOCK PL	THORNTON MICHAEL & DIANA
	86	6301 ELDER GROVE DR	ELDERWOOD TOWNHOUSE
	87	6301 ELDER GROVE DR	FLAGG ROBERT
	88	6302 ELDER GROVE DR	HENSON RONALD JEROME

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	6303 ELDER GROVE DR	JOYCE LEATRICE R
	90	6304 ELDER GROVE DR	BRANTLEY MARCUS LYNN &
	91	6305 ELDER GROVE DR	WILLIS JOSHUA HOWARD &
	92	6306 ELDER GROVE DR	BAKER DARRYL
	93	6307 ELDER GROVE DR	BENJAMIN TOMMY K
	94	6308 ELDER GROVE DR	PHILLIPS HELEN M
	95	6309 ELDER GROVE DR	PRUITT CINDY
	96	6310 ELDER GROVE DR	SCOTT JUDY ANN &
	97	6311 ELDER GROVE DR	BERRYMAN LYN F &
	98	6312 ELDER GROVE DR	DIEROLF MARIA ESTRELLA LIFE ESTATE
	99	6314 ELDER GROVE DR	IRWIN MARY J
	100	6315 ELDER GROVE DR	WASHINGTON ANNETTE
	101	6316 ELDER GROVE DR	STIMAC HEDDA
	102	6317 ELDER GROVE DR	SZETELA DAVID L &
	103	6318 ELDER GROVE DR	PRICE KYMBERLIN
	104	6319 ELDER GROVE DR	YOUNG CAROLYN
	105	6320 ELDER GROVE DR	SMITH TAMRA A
X	106	6321 ELDER GROVE DR	ROBERDS GERALD & BONITA
	107	6322 ELDER GROVE DR	SCHNEIDER MICHAEL B
	108	2317 W RED BIRD LN	LOCKETT GLORIA D
	109	6224 RED BIRD CT	CARROLL FRANK III
	110	6212 RED BIRD CT	KING CHRISTINE
	111	6206 RED BIRD CT	NEALY IDELLA I
	112	6121 RED BIRD CT	COLEMAN MALCOLM E &
	113	6205 RED BIRD CT	WASHINGTON VIOLET LIFE EST
	114	6211 RED BIRD CT	RISCHER ARLENE &
	115	6219 RED BIRD CT	HILL DORIS
X	116	6227 RED BIRD CT	MOODY PAUL &
O	117	2570 W RED BIRD LN	MCDONALDS CORPORATION
	118	5787 S HAMPTON RD	OXLEY LEASING NORTH LOOP LLC
	119	5787 S HAMPTON RD	OXLEY LEASING NORTH LOOP LLC

Z189-159(CT)

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	5787 S HAMPTON RD	OXLEY LEASING NORTH LOOP LLC