

ACM: Majed Al-Ghafry**FILE NUMBER:** Z190-125(JM) **DATE FILED:** October 31, 2019**LOCATION:** East side of Greenville Avenue, south of Prospect Avenue**COUNCIL DISTRICT:** 14 **MAPSCO:** 8 I**SIZE OF REQUEST:** ±22,204 square feet **CENSUS TRACT:** 10.02**APPLICANT:** Tacos Mariachi, LLC**OWNER:** Lavo Properties, LLC**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

REQUEST: An application for 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 and Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

SUMMARY: The purpose of the request is to allow the existing restaurant use [Tacos Mariachi] to continue to operate as a late-hours establishment per PD No. 842 and remain open past 12:00 a.m. (midnight).

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

BACKGROUND INFORMATION:

- On January 26, 2011, the City Council approved Planned Development District No. 842 for Community Retail District uses. The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight.
- On April 10, 2019, City Council granted Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service [Tacos Mariachi], for a one-year time period.
- The site contains five suites. The purpose of this request is to continue to operate a restaurant without drive-in or drive-through service [Tacos Mariachi] past midnight. The SUP suite is located at the northern end of the building and contains 2,035 square feet of floor area and a 650-square-foot uncovered patio on the street level.
- On December 13, 2017, City Council granted Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service [Gung Ho], for a one-year time period. This is a different restaurant within the multi-tenant building. On November 14, 2018, the SUP was renewed for a one-year time period. On January 9, 2020, the SUP was renewed for a two-year time period.

Zoning History: There have been approximately 18 zoning cases at 12 locations in the area over the past five years.

1. **Z189-261 & Z156-294:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay. This case was auto-renewed on May 20, 2019.
2. **Z167-263 & Z156-300:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay. This case was auto-renewed on April 7, 2017.
3. **Z167-227:** On June 28, 2017, Specific Use Permit No. 1879 for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge, or tavern was automatically renewed on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
4. **Z189-333, Z178-304 & Z167-367:** On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1

Modified Delta Overlay. This request was renewed on November 14, 2018 and January 9, 2020. *This is a different suite at the subject site.*

5. **Z178-186:** On April 25, 2018, the City Council approved the Oak Lawn/East Dallas Demolition Delay Overlay District in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from Haskell Avenue to Carroll Avenue, Main Place, Prairie Avenue, Columbia Avenue, and Fitzhugh Avenue; and containing approximately 3,277.30 acres.
6. **Z156-217:** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern use on property within Planned Development District No. 842 for CR Community Retail District Uses with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, north of Prospect Avenue.
7. **Z178-387 & Z167-342:** On January 23, 2019 and October 11, 2017, 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.
8. **Z189-206:** On August 14, 2019, the City Council approved the creation of Subdistrict 2 within PD No. 842 with a MD-1 Modified Delta Overlay located on the northeast corner of Greenville Avenue and Oram Street.
9. **Z189-124 & Z189-126:** On February 7, 2019, the City Plan Commission recommended denial without prejudice of two applications for Specific Use Permits for late-hours establishments limited to restaurants without drive-in or drive-through service, located on the east line of Greenville Avenue, between Oram Avenue and La Vista Drive.
10. **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 a MD-1 Modified Delta Overlay, located on the east line of Greenville Avenue, between Oram Street and La Vista Drive.
11. **Z189-251:** On August 14, 2019, the City Council approved the renewal of Specific Use Permit No. 2346 for a for a late-hours establishment limited to a restaurant with drive-in or drive-through service for a four-year period subject to a site plan and conditions, on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay, located on southwest corner of Greenville Avenue and Alta Avenue.

12. **Z190-139:** An application for a new subdistrict within Planned Development District No. 842 with a MD-1 Modified Delta Overlay located on the east line of Greenville Avenue, north of La Vista Drive. *Pending CPC.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

Area	Zone	Use
Site	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay, SUP Nos. 2272 & 2327	Late Hours Establishment Limited to a Restaurant without drive through, Restaurant, General merchandise or food store
North	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Restaurant without drive through and General merchandise or food store
East	PD No. 167 and CR District with SUP No. 285, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Surface Parking and Electrical Substation
South	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	General merchandise or food store and Restaurant without drive through
West	PD No. 842 with SUP No. 1905, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Late Hours Establishment Limited to a Restaurant without drive through, and Office

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 applicant's 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 ELEMENT

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). The study 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 the authorized hearing recommending a SUP process to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use Compatibility:

The property contains 22,204 square feet developed with a multi-tenant structure with approximately 15,680 square feet of floor area erected in 1922 per DCAD records and divided into five suites. The purpose of this request is to allow the existing restaurant use [Tacos Mariachi] to continue to operate as a late-hours establishment per PD No. 842 and remain open past 12:00 a.m. (midnight). The restaurant without drive-in or drive-through service use is allowed by right; however, 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 SUP suite is located at the northern end of the building and contains 2,035 square feet of floor area and a 650-square-foot uncovered patio on the street level. According to City records, a Certificate of Occupancy was issued for the existing restaurant on November 15, 2018.

Surrounding land uses include: general merchandise or food store 3,500 square feet or greater and restaurant to the north; surface parking and an electrical substation to the east; general merchandise or food store 3,500 square feet or less and restaurant without drive-in or drive through service to the south; and, a late hours establishment limited to a restaurant without a drive-in or drive through service and office uses to the west.

The main uses permitted in PD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. In order to operate certain uses between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. The owner or operator must obtain a certificate of occupancy for a late-hours establishment, in order to operate after 12:00 a.m. (midnight).

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.

The Dallas Police Department has provided a report since the operation of Tacos Mariachi as a late hour's establishment commenced in April of 2019, to present day. No offenses were reported; however, there was an arrest for family violence and four calls made. There have not been any reported citations issued to patrons of the establishment or for violations of the noise ordinance. There have not been any arrests for public intoxication or disorderly conduct nor have there been any violent crimes associated with the establishment.

Additionally, a search on the TABC database shows that Tacos Mariachi has operated under license #RM1044054 since February 4, 2019. There had not been any violations at the time of this report.

License #:	RM1044054		
Trade Name:	TACOS MARIACHI		
Owner:	MICO 21 CLUB INC.		
Location Address:	2018 GREENVILLE AVENUE	Mailing Address:	350 E ROYAL LANE BLDG 4 STE 126
	DALLAS, TX 75206		IRVING, TX 75039
County:	Dallas	Orig. Issue Date:	2/4/2019
Status:	Current	Exp. Date:	2/3/2021
		Wine Percent:	
Location Phone No.:	214-217-3002		
Subordinates:	FB, LB, PE		
Related To:		Gun Sign:	BLUE

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.

Additional provisions within the SUP conditions will limit the floor area, uncovered patio area, hours of operation, and outdoor live music and speaker usage. The restaurant must cease operation by 2:00 a.m., Monday through Sunday. Furthermore, the patio area must close by 12:00 a.m. (midnight). Use of outdoor speakers and outdoor live music on the property is prohibited. While the site does not have immediate residential adjacency, there is an R-7.5(A) Single Family District with residential uses located a block further to the east along Matilda Street and Prospect Avenue. By restricting the business to earlier times and prohibiting outdoor noise, as well as having a short time period of two-years, staff believes the late hours restaurant will remain compatible with the neighborhood.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

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. While the subject site is not located within a designated market type, Category C can be found surrounding the site in every direction, including immediately south on Greenville Avenue.

Parking:

Pursuant to §51A-4.210, a restaurant requires one space per 100 square feet of floor area. Therefore, the ±2,035-square foot restaurant requires 20 spaces. According to City records, parking agreements have been made to satisfy the required parking for the entire 22,204 square-foot structure, and a total of 169 parking spaces are provided accordingly. The building does not have any delta credits.

LIST OF OFFICERS

Lavo Properites, LLC

Wonderful Seven GP

Marc Andres, President
Roger Andres, Director

Tacos Mariachi, LLC

M CROWD RESTAURANT GROUP, LLC

Bill Stroud, Member
Todd Blankenship, Controller
Clay McAfee, Member
Ray W. Washburne, Member

CPC Action
January 23, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2327 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a two-year period, subject to conditions on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, on the east side of Greenville Avenue, south of Prospect Avenue.

Maker: Garcia
Second: MacGregor
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Blair
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 23
Replies: For: 5 Against: 0

Speakers: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is late hours establishment limited to a restaurant without drive-in or 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 ~~April 10, 2020~~ [two-years from the passage of this ordinance].
4. FLOOR AREA: The maximum floor area is 2,035 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The late hours establishment limited to a restaurant without drive-in or drive-through service must cease operation by 2:00 a.m., Monday through Sunday with the exception that the outdoor patio area must close at midnight. All customers must be removed from the Property by 2:15 a.m.
6. OUTDOOR LIVE MUSIC AND SPEAKERS: Outdoor live music and the use of outdoor speakers and amplification on the Property are prohibited.
7. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
8. PATIO:
 - A. An outdoor patio is permitted only in the location shown on the attached site plan.
 - B. The maximum floor area of the patio is 650 square feet.
 - C. The patio must be uncovered.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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.

Site Plan



VICINITY MAP
NTS



Existing SUP Site Plan

SUP FOR LATE HOURS ESTABLISHMENT
SUP BOUNDARY: LOTS 2-4
SUP LIMITED TO PORTIONS OF LOT 2 AS SHOWN

OVERALL LAND AREA	24,000 SF	0.551 AC
SUP LAND USE	LATE HOURS ESTABLISHMENT FOR RESTAURANT	
SUP FLOOR AREA	2,035 SF	
SUP UNCOVERED PATIO	650 SF	

REQUIRED PARKING FOR SUITE AND LICENSE AREA PER MD-1: 23
REQUIRED PARKING FOR BUILDING SITE AND TOTAL LICENSE AREA PER MD-1: 183
PARKING PROVIDED VIA REMOTE PARKING AGREEMENTS ON FILE



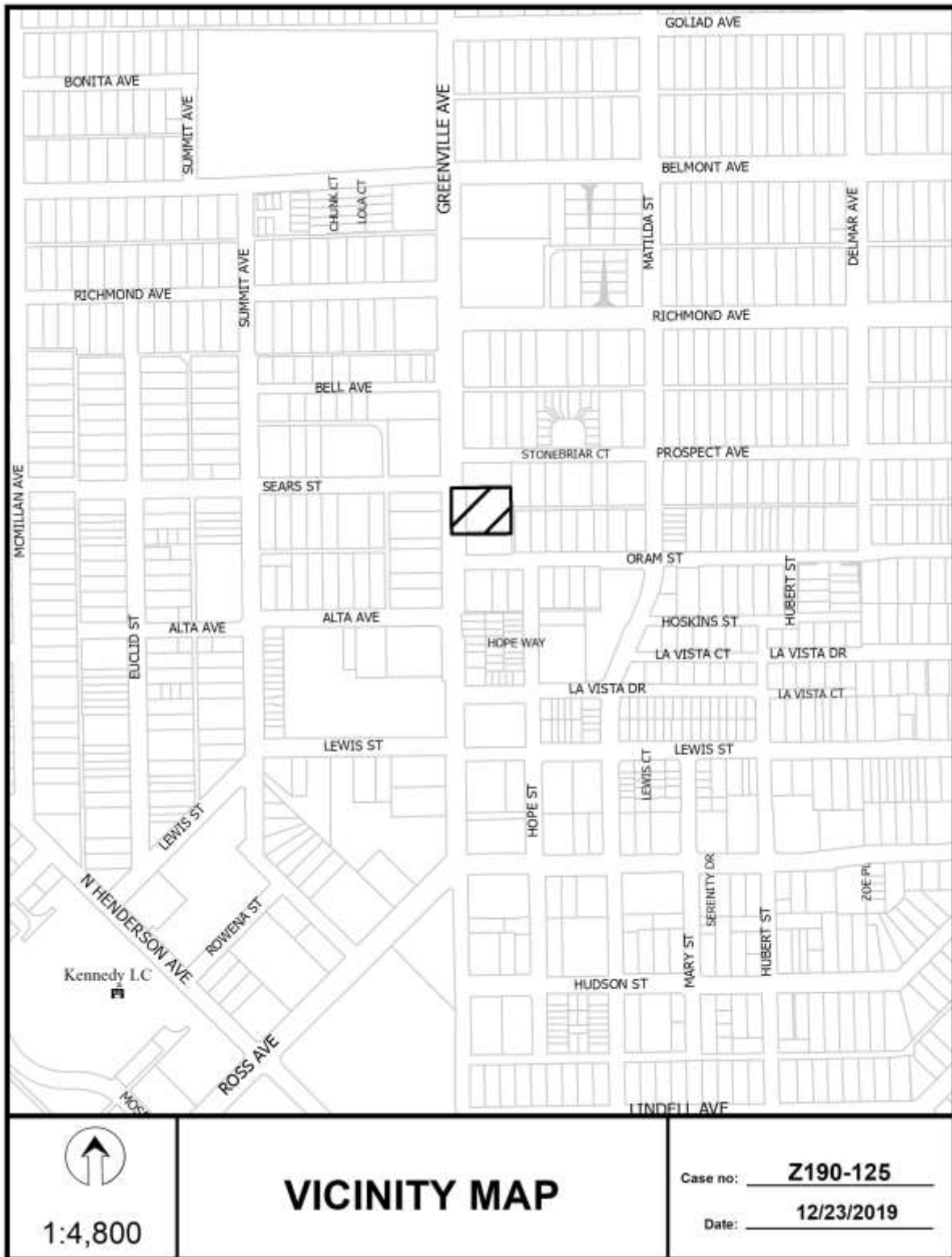
ORAM STREET

Specific Use Permit
No. 2327

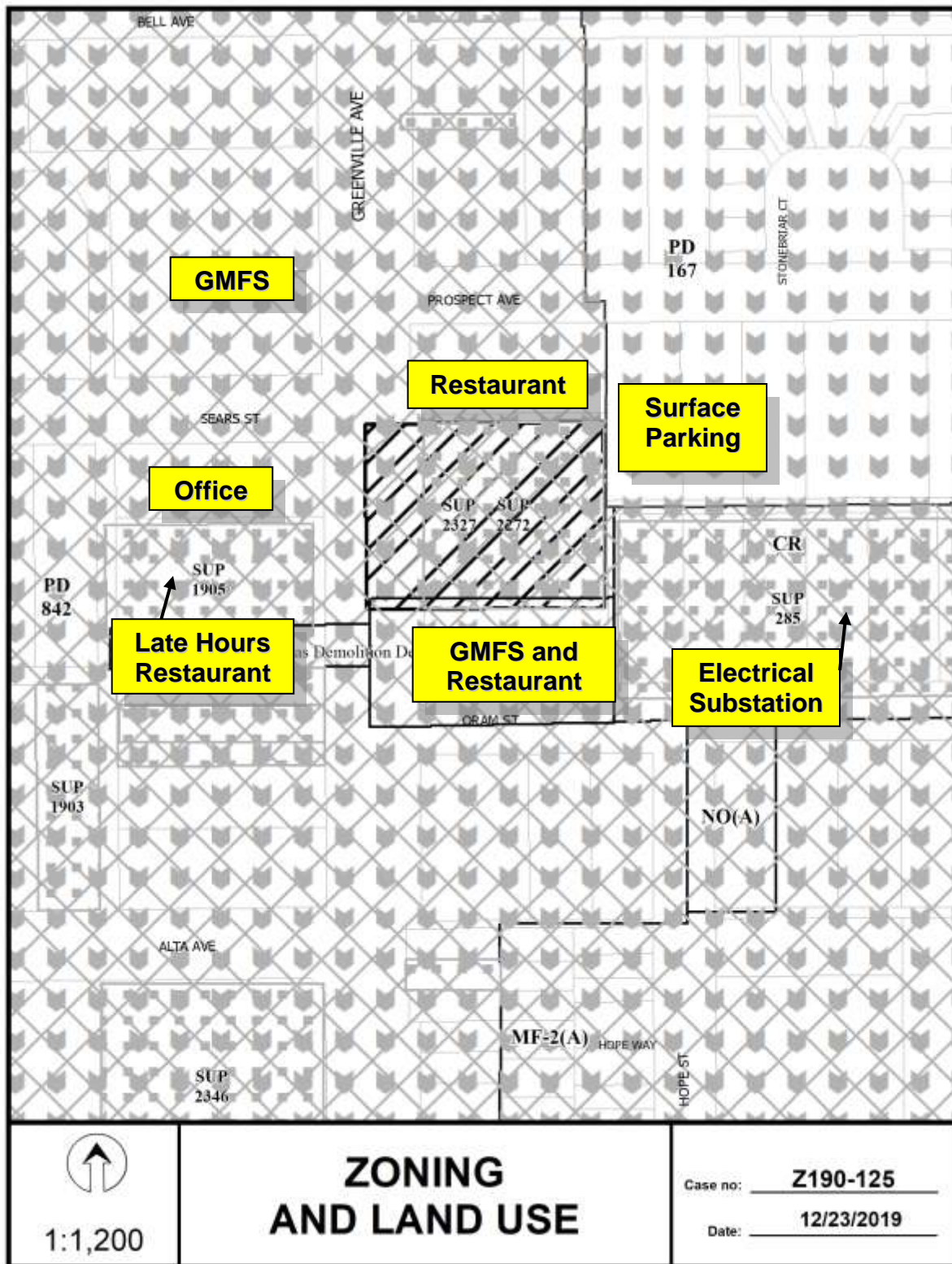
Approved
City Plan Commission
February 21, 2019

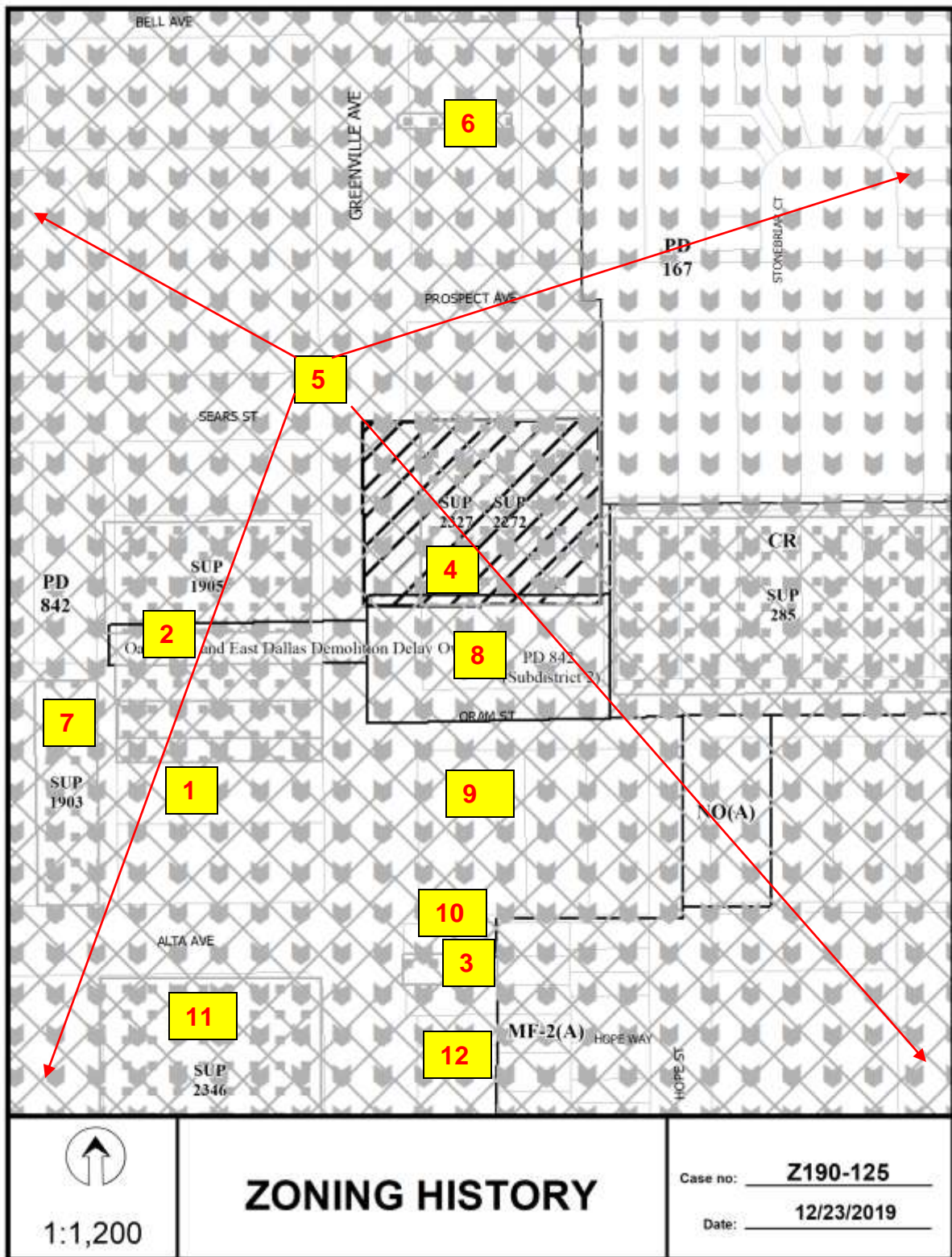
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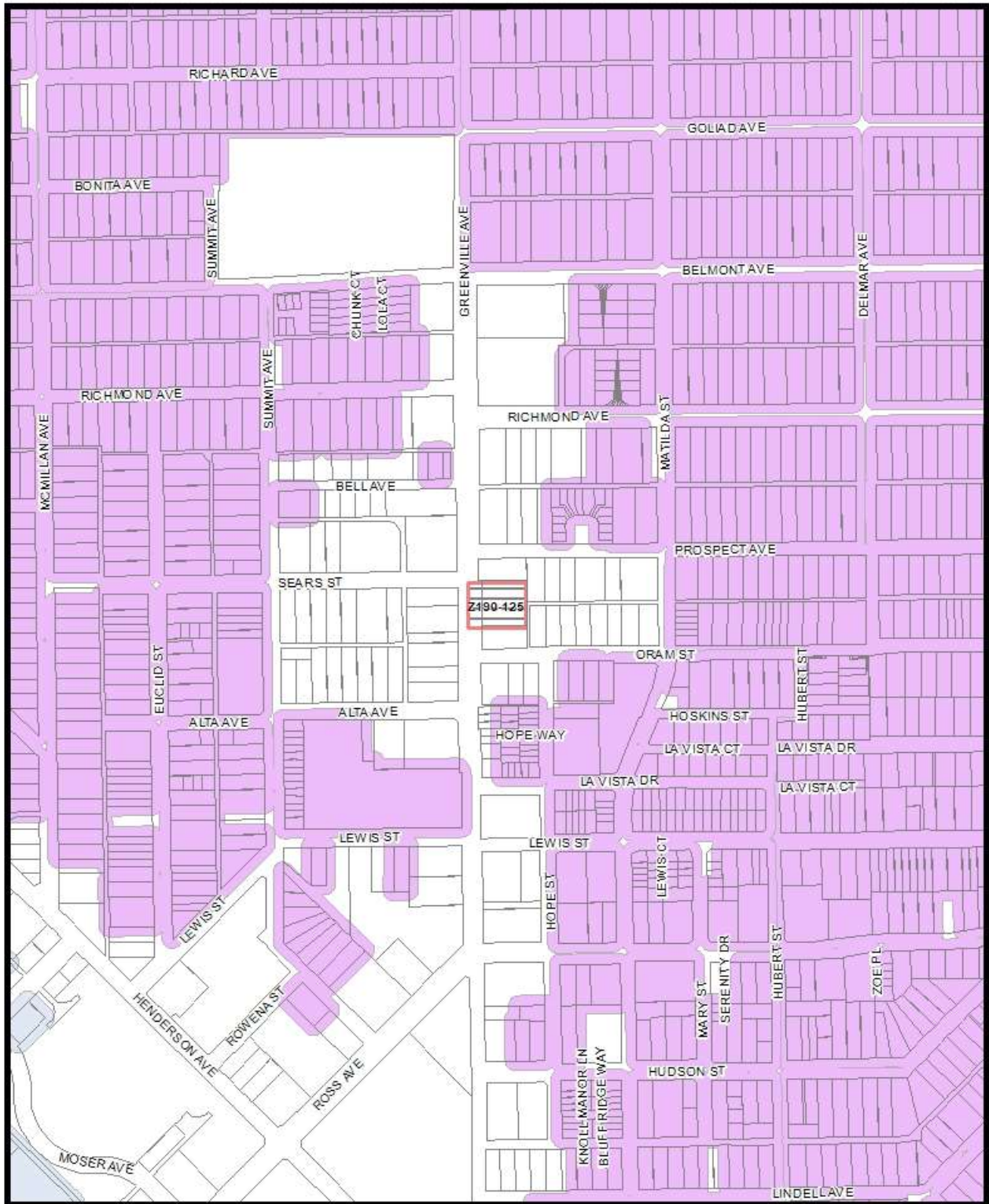












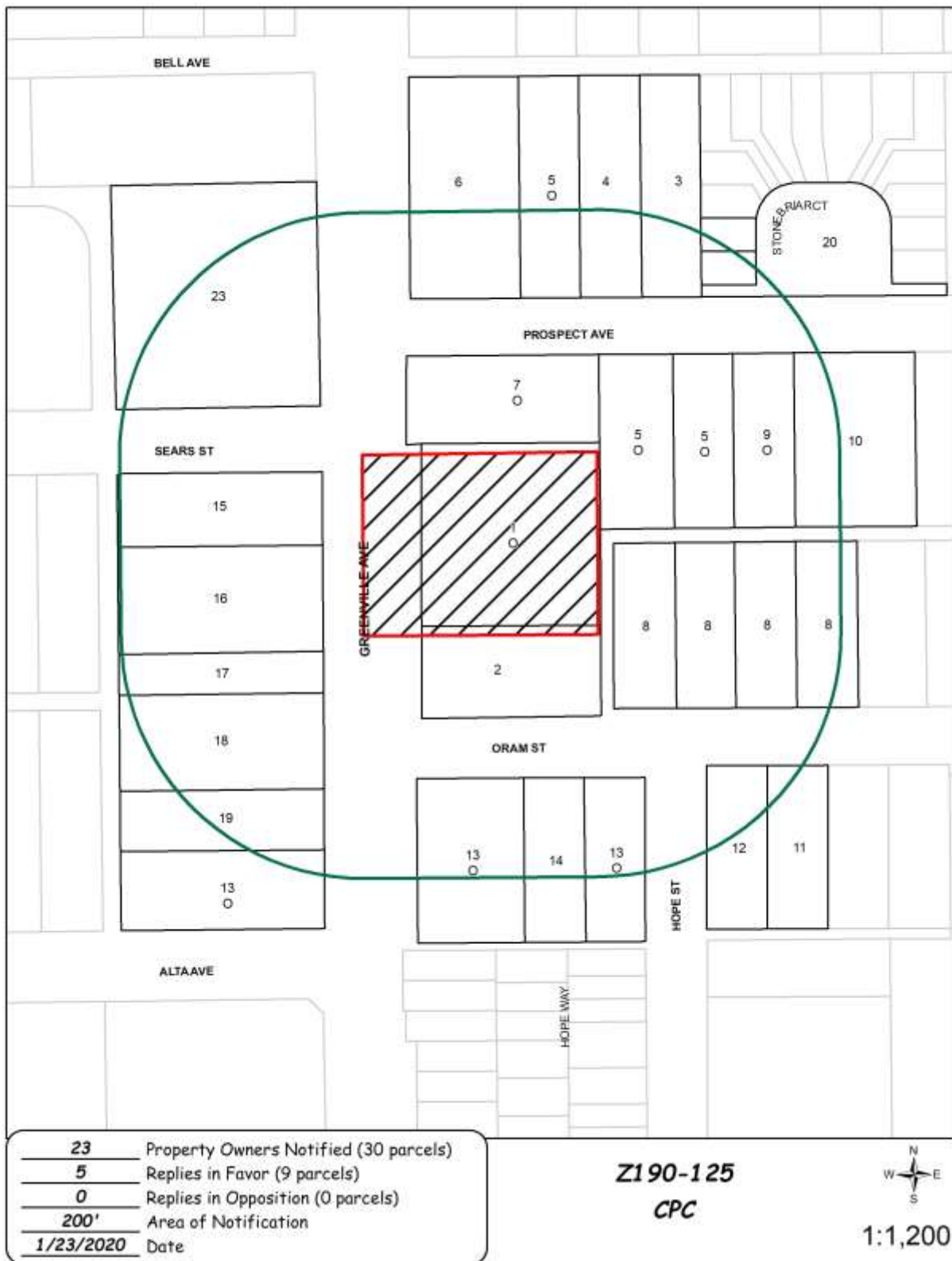
MVA Cluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 12/23/2019

CPC RESPONSES



01/22/2020

Reply List of Property Owners***Z190-125******23 Property Owners Notified******5 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	2	2000 GREENVILLE AVE	LANDE PAUL &
	3	5719 PROSPECT AVE	MADISON PACIFIC DEV COM
	4	5715 PROSPECT AVE	REESE GRANDCHILDRENS
O	5	5711 PROSPECT AVE	ANDRES FAMILY TRUST
	6	2100 GREENVILLE AVE	GREENVILLE 2100 LTD
O	7	2026 GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
	8	5715 ORAM ST	ONCOR ELECRCIC DELIVERY COMPANY
O	9	5724 PROSPECT AVE	ANDRES FAMILY TRUST
	10	5728 PROSPECT AVE	WALL JOHN E JR
	11	5726 ORAM ST	TARL CABOT LLC &
	12	5722 ORAM ST	MCKINNEY FEARGAL &
O	13	5712 ORAM ST	LOWGREEN PS
	14	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	15	1931 GREENVILLE AVE	GREENWAY SEARS LP
	16	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
	17	1917 GREENVILLE AVE	SEB GROUP LLC
	18	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
	19	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	20	2100 STONEBRIAR CT	STONEBRIAR CT H O A
	21	2 STONEBRIAR CT	GERDES ANDREW KIRK
	22	1 STONEBRIAR CT	HOOPER NICOLE E
	23	2001 GREENVILLE AVE	2001 GREENVILLE VENTURE LTD