

FILE NUMBER: Z190-251(CT)

DATE FILED: April 21, 2020

LOCATION: Southeast line of Ross Avenue, northeast of North Hall Street

COUNCIL DISTRICT: 14

MAPSCO: 45 H

SIZE OF REQUEST: Approx. 0.349 acres.

CENSUS TRACT: 16.00

REPRESENTATIVE: Santos Martinez, La Sierra Planning Group

APPLICANT: Bar and Garden

OWNER: BSK Schwartz, Ltd.

REQUEST: An application for the renewal of Specific Use Permit No. 2206 for a liquor store on property zoned Subdistrict 1 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The purpose of this request is to continue the operation of a liquor store within an existing multi-tenant commercial building. [Bar and Garden]

CPC RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a 2,300 square feet one-story multi-tenant commercial building.
- On June 27, 2018, the City Council approved the renewal of Specific Use Permit No. 2206 for a liquor store for a two-year period.
- On August 10, 2016, the City Council approved Specific Use Permit No. 2206 for a liquor store for a two-year period.
- No revision or expansion of the use is being requested.
- Per 51A-4.210 a LIQUOR STORE means an establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code.

Zoning History: There have been two zoning change requests in the area within the last five years.

1. **Z178-217** On June 27, 2018, the City Council approved SUP No. 2206 for a liquor store located at near the intersection of Ross Avenue and North Hall Street.
2. **Z178-133** On March 28, 2018, the City Council approved a PD within Subarea PD No. 298, bounded by Ross Avenue, Washington Avenue, San Jacinto Street and Villars Street.

Thoroughfare/Streets

Thoroughfares/Street	Type	Existing ROW
Ross Avenue	Community Collector	80 ft.
Hall Street	Minor Arterial	50 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the original SUP request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

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 proposed zoning request meets the below goals and objectives of the Comprehensive Plan.

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 Plan:

The Bryan Area Study of 1988 determined that a Planned Development District was appropriate to help organize and enhance the development potential in an area of East Dallas adjacent to and northeast of the Central Business District. Beginning in March 2004, an evaluation study was conducted to determine if development was meeting the objectives of the Bryan Area Study and to make recommendations to adjust regulations that were falling short. The original study identified eight objectives: (1) promote urban character; (2) encourage residential development; (3) encourage redevelopment and commercial activity; (4) establish the Bryan Area as a regional health care complex of Dallas; (5) enhance the physical appearance and promote urban character within the Bryan Area; (6) reinforce the multi-cultural character of the Bryan Area; (7) focus commercial/retail redevelopment opportunities to the Village Center; and (8) establish linkages to regional activity centers.

Subsequent to that study, an evaluation study was conducted and found that objectives 3 and 7 were off track. Specifically, Ross Avenue was divided into a few subdistricts of differing regulations and the predominance of auto-related uses was identified as a redevelopment inhibitor. The recommendations of the evaluation study identified changes to PD No. 298 to encourage the desired development for the Ross Avenue corridor, namely: (1) subdistricts 1, 2, and 3 were combined along Ross Avenue to encourage uniform regulations for this gateway corridor; (2) razor wire and barbed wired fencing was prohibited and desired fencing materials listed; and (3) compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential.

Redevelopment is occurring on Ross Avenue and this request supports the changing uses along the gateway corridor.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 298 Subdistrict 1	Liquor Store, retail & restaurant
Northeast	PD No. 298 Subdistrict 1	Vacant
Southeast	PD No. 298 Subdistrict 1	Single Family Residential
Southwest	PD No. 298 Subdistrict 1	Multifamily
Northwest	PD No. 298 Subdistrict 1	Financial Institution

Land Use Compatibility:

The subject site is part of a multi-tenant commercial property which has been fully renovated. It has a variety of store fronts serving the multiple multifamily structures in walking distance to the northwest and southwest. Additionally, these shops serve as a barrier between the high intensity multifamily and the single-family properties to the east, all within the Bryan Area Special Purpose District.

The approximately 2,300-square-foot building is zoned Subdistrict 1 within Planned Development District No. 298, the Bryan Place Special Purpose District, and is currently developed with a multi-tenant commercial structure. The existing liquor store will continue to complement the variety of shops that serve the surrounding community.

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.

The applicant's request is consistent with the area and compatible with the adjacent commercial uses. Additionally, the proposed use complies with the general provisions for consideration of a SUP.

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 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 site is not within an identifiable MVA category; however, it is adjacent to Category C.

Off-Street Parking: Planned Development District No. 298 requires one off-street parking space per 200 feet, as per Sec. 51A-4.210. The site meets the required off-street parking spaces by providing 12 off-street parking spaces.

Police Activity: There have been no reported offenses for the most recent two-year period associated with this location as noted below from the Dallas Police Department.

LIST OF OFFICERS

BSK Schwartz, Ltd – Property Owner

Ben Schwartz, Partner

Steve Schwartz, Partner

Kim Smith, Partner

Bar and Garden, LLC - Applicant

Jeffrey Fritz – President and Director

**CPC ACTION
JULY 23, 2020**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2206 for a liquor store for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions on property zoned Subdistrict 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the southeast line of Ross Avenue, northeast of North Hall Street.

Maker: Blair
Second: Hampton
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Schultz, Schwope, Garcia, Rubin

Against: 0
Absent: 1 - Murphy
Vacancy: 1 - District 10

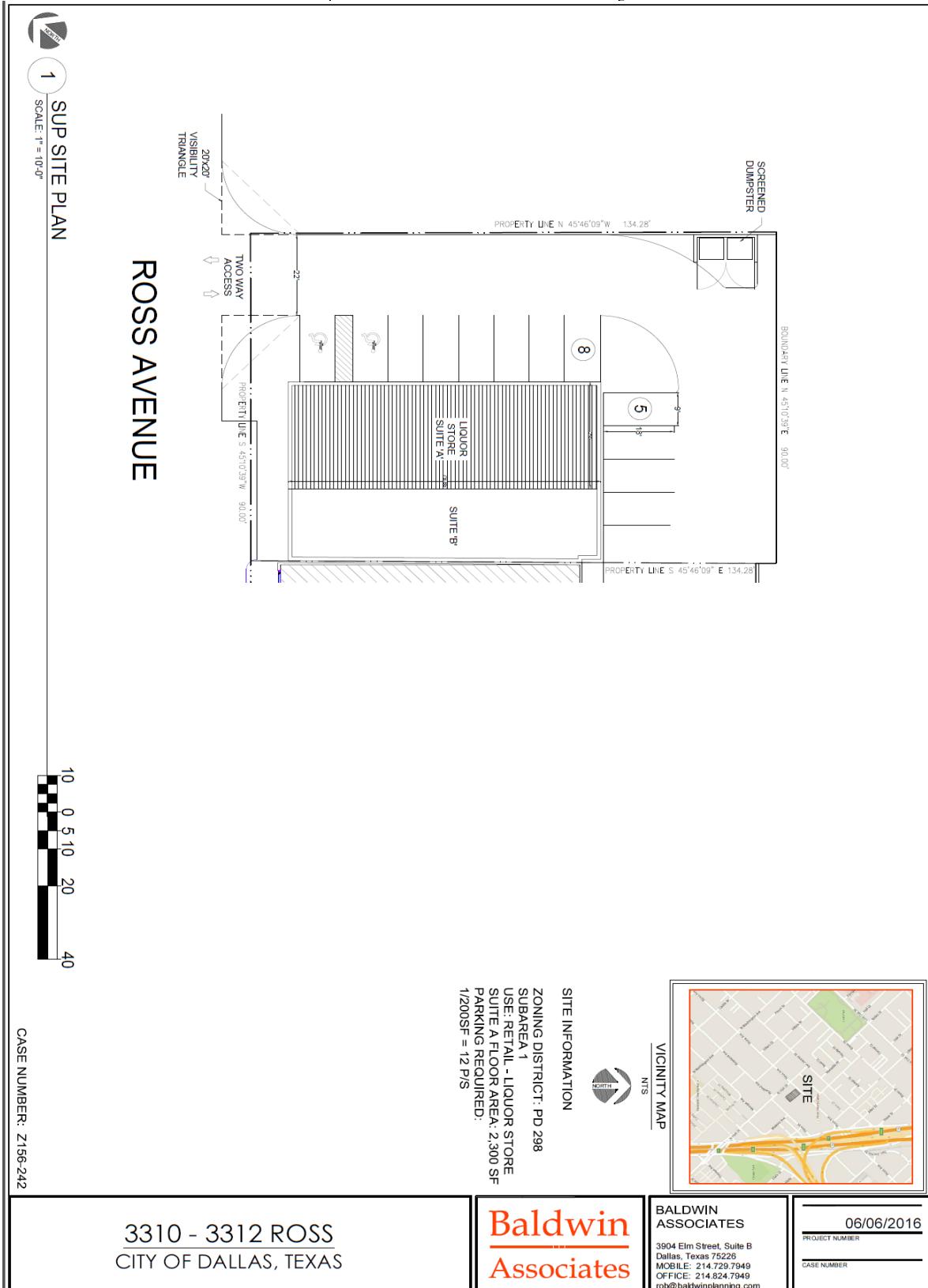
Notices: Area: 200 Mailed: 31
Replies: For: 5 Against: 1

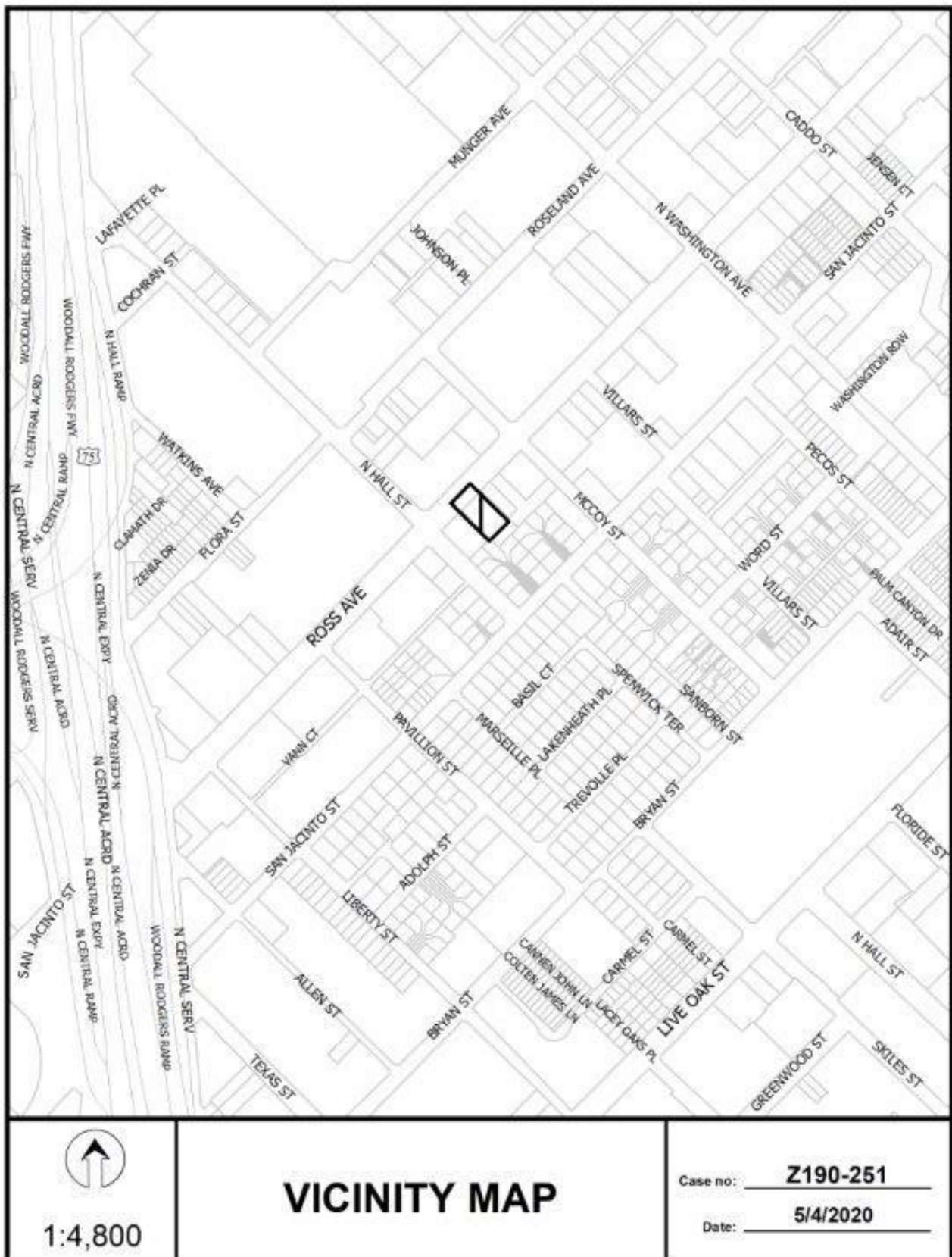
Speakers: For: None
For (Did not speak): Santos Martinez, 12 Tanager Terrace, Angel Fire, NM, 87710
Julie Buckner, 3314 Ross Ave., Dallas, TX, 75204
Against: None

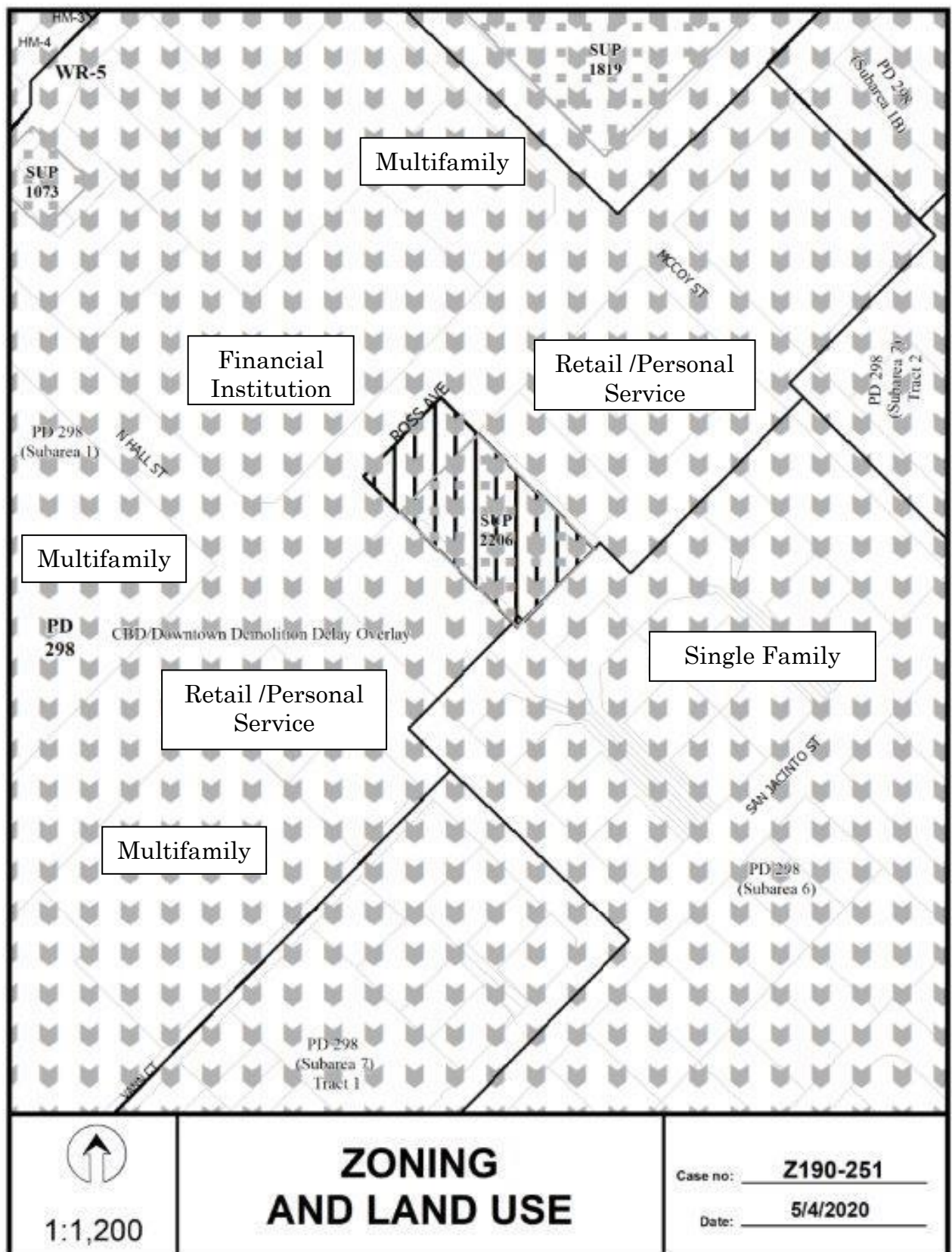
CPC RECOMMENDED CONDITIONS FOR SUP NO. 2206

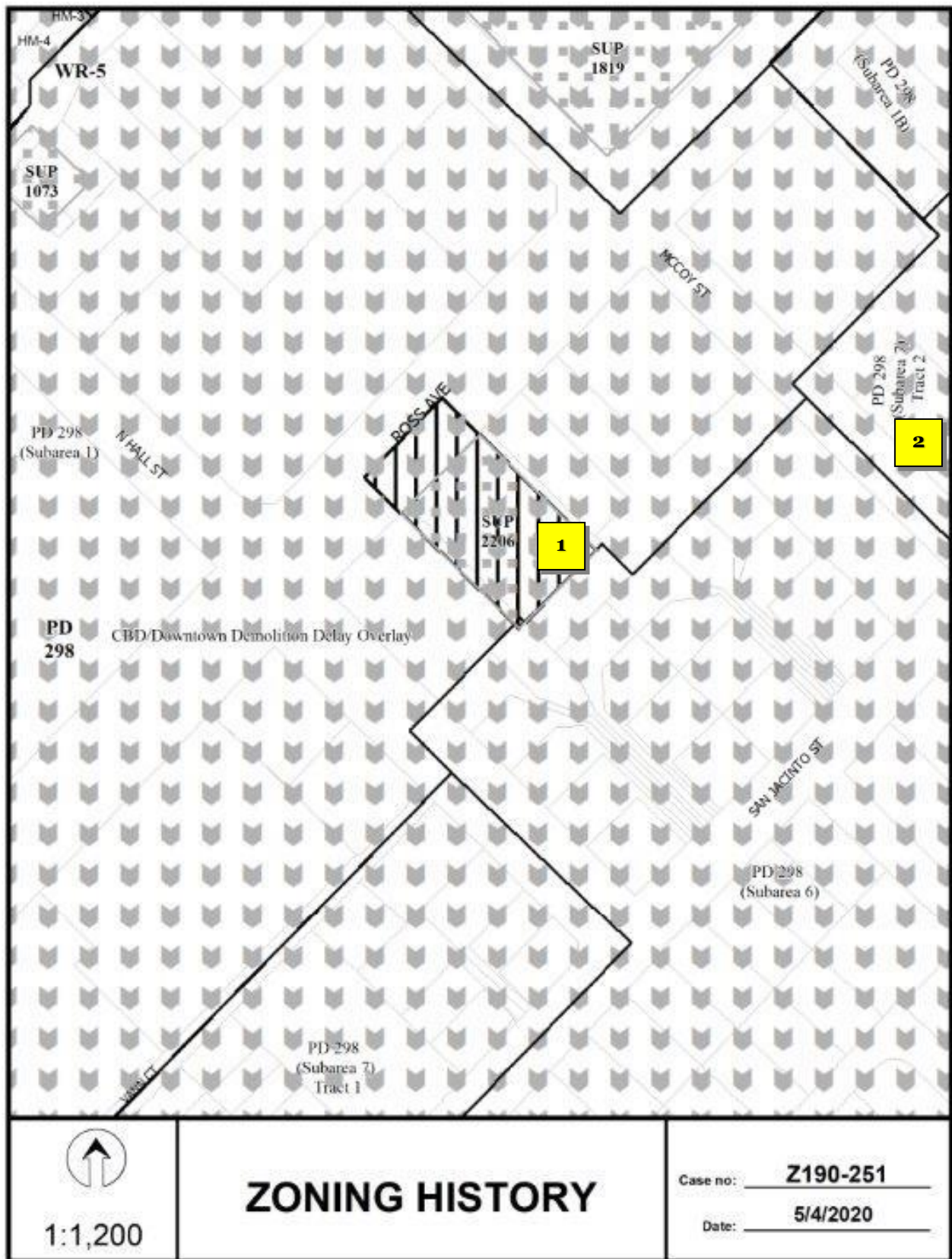
1. USE: The only use authorized by this specific use permit is a liquor store.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~June 27, 2020~~ (three years) but is eligible for automatic renewal for additional three-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. FLOOR AREA: The maximum floor area for a liquor store is 2,300 square feet in the location shown on the site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

Existing Site Plan
(no requested revisions)

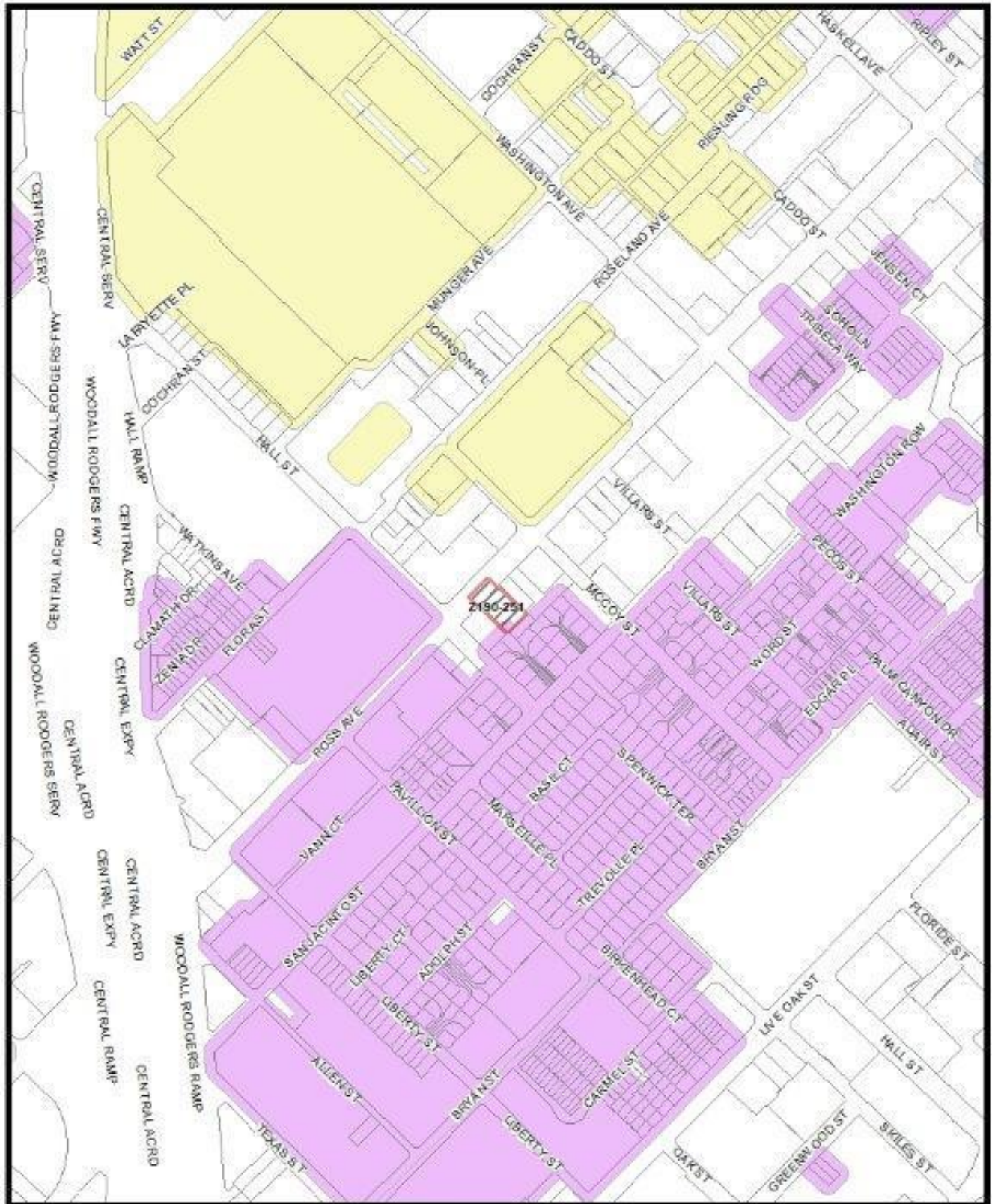








Z190-251(CT)



Market Value Analysis



1:4,800

Market Value Analysis

Printed Date: 5/4/2020

CPC Responses



07/22/2020

Reply List of Property Owners***Z190-251******31 Property Owners Notified 5 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3300 ROSS AVE	BSK SCHWARTZ LTD
O	2	3310 ROSS AVE	BSK SCHWARTZ LTD
	3	3323 SAN JACINTO ST	MAZZOLA RICHARD J
	4	1609 N HALL ST	1609 NORTH HALL LLC
O	5	1619 N HALL ST	CHEVY CHASE LLC
	6	3400 ROSS AVE	HERNANDEZ JULIO
	7	3404 ROSS AVE	3404 ROSS AVENUE LLC
	8	1607 MCCOY ST	MACEDONIA BAPTIST CHURCH
	9	1711 MCCOY ST	DOOLEY DEVELOPMENT USA LLC
	10	3243 SAN JACINTO ST	GRAHAM RALPH E III &
	11	3303 SAN JACINTO ST	ALLEN ALAN D
	12	3307 SAN JACINTO ST	MITCHELL REBECCA
	13	3311 SAN JACINTO ST	ONU ADISA
	14	3315 SAN JACINTO ST	SINGER FLORIZA FLORES &
	15	3319 SAN JACINTO ST	EVANS JENNIE M E
	16	3331 SAN JACINTO ST	HUGGHINS GAYLA J
	17	3335 SAN JACINTO ST	SHOLOLOI LLC
	18	3339 SAN JACINTO ST	BALL CYNTHIA K
	19	3343 SAN JACINTO ST	BARRON KENNETH L
	20	3403 SAN JACINTO ST	MOORE TERRY L
	21	3407 SAN JACINTO ST	WHITE NATHAN
	22	3415 SAN JACINTO ST	FISHER ROBERT J & MELINDA M
	23	3419 SAN JACINTO ST	GREENE CHARLOTTE LINDA
	24	3423 SAN JACINTO ST	NJUGUNA BEATRICE WANGARI
X	25	3427 SAN JACINTO ST	AZFER ADNAN &
	26	3431 SAN JACINTO ST	STULTZ JACOB MICHAEL

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07/22/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3327 SAN JACINTO ST	STANTON LIVING TRUST
O	28	3411 SAN JACINTO ST	SMITH J WAYNE & SHARON A
	29	1707 N HALL ST	SHF I ICON LLC
O	30	3407 ROSS AVE	SCHWARTZ JEANNETTE ESTATE OF
	31	3305 ROSS AVE	3405 DHG LLC