

FILE NUMBER: Z190-234(CT) **DATE FILED:** March 16, 2020

LOCATION: West corner of South Ervay Street and South Boulevard

COUNCIL DISTRICT: 7 **MAPSCO:** 46 W

SIZE OF REQUEST: Approx. 0.424 acres **CENSUS TRACT:** 34.00

REPRESENTATIVE: Benton Payne

OWNER/APPLICANT: Cornerstone Baptist Church of Dallas, Inc.

REQUEST: An application for a Specific Use Permit for food or beverage store use on property zoned an FWMU-3 Form Walkable Mixed-Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with an SH Shopfront Overlay.

SUMMARY: The purpose of the request is to allow for the sale of food or beverage in a structure less the 5,000 square feet.

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

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

BACKGROUND INFORMATION:

- The subject site is currently developed with an existing one-story commercial building.
- Previous Certificates of Occupancy list the site as an office use.
- The building has been divided into three suites. The Specific Use Permit will encompass the entire site although only one, 1,345-square-foot suite will house the food or beverage store use at the time of this request.
- Food or beverage store per Article 595 is defined as a retail store for the sale of food and beverages. The term "food or beverage store" includes a grocery, delicatessen, convenience store, and specialty foods store.

Zoning History: There has been no zoning change requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Ervay Street	Minor Arterial	60 ft.
South Boulevard	Minor Arterial	65 ft.

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:

	Zoning	Land Use
Site	PDD No. 595, FWMU-3 with SH shopfront	Office Retail Personal Service
North	PDD No. 595, FWMU-3	Mortuary, funeral home, or commercial wedding chapel Single Family
South	PDD No. 595, FWMU-3	Undeveloped, single family, Auto related uses
East	PDD No. 595, FWMU-3 with SH shopfront	Retail, auto related uses
West	PDD No. 595, FWMU-3	Undeveloped Single Family

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.

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

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

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

SOUTH DALLAS/FAIR PARK ECONOMIC CORRIDOR PLAN:

Land Use Concept Plan

Community Commercial Areas: Commercial corridors are areas characterized by a mix of office, retail and commercial service uses serving both nearby residential areas, as well as the broader community. These areas include single-story and multi-story office development, some large footprint buildings to accommodate regional retail operations, and both surface parking and parking structures.

STAFF ANALYSIS:

Land Use Compatibility: The 0.424-acres site is developed with a 3,200 square foot structure and is surrounded by an undeveloped tract of land and a park to the northeast; retail and auto related uses to the southeast; industrial type uses to the southwest; and an undeveloped tract of land to the northwest, across South Boulevard.

The SUP will allow the applicant to use on suite in an existing one-story, 3,200 square foot commercial building as a food or beverage store. The subject site is comprised of three suites formally comprised of office and retail and personal service uses. The South Dallas/Fair Park Economic Corridor Area Plan cites this property as a part of the Community Commercial area which lists the food store less than 3,500 square feet as a foreseeable use for the area.

The applicant stated that they do not intend to sell alcoholic beverages from the location. The letter of intent cannot be enforced by the City of Dallas. Deed restrictions are not an option for halting the sale of alcoholic beverages as deed restrictions must restrict certain uses and not regulate the sale of alcoholic beverages.

The subject site is adjacent to a church on the northwest lot line. The alcohol distance requirement to sale alcoholic beverages is 300 feet from a church, which is measured

front door to front door along the right-of-way lines. The subject site is within 300 feet of the church and would not be allowed to sell alcohol from the location. Should the church not remain at the abutting location, it would be possible for alcohol to be sold from the location.

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 and City Plan Commission recommends that the Specific Use Permit be approved for a five-year period with the eligibility or automatic renewals for additional five-year periods. This area of the city has been deemed food desert and this use is one that would provide food and grocery items to the area. Also, staff does not foresee and issue with the uses negatively affecting the surrounding area.

Landscaping: Landscaping of any development will be in accordance with the landscaping requirements in PD No. 595. The applicant's request will not trigger any landscaping requirements because there is no increase to the existing floor area or the site's impervious surface.

Parking: The request will require one space for each 250 square feet of floor area (1,345 square feet). A total of five off-street parking spaces is required. The applicant will meet required parking for the use on site. Other suites in the development have previously held certificates of occupancy for retail and personal service uses. Under the current zoning, these uses are parked at the one space per 250 square feet of floor area as well and can meet with the current parking configuration.

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

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strongest markets to orange, representing the weakest markets. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to “D” and “I” MVA Clusters.

LIST OF OFFICERS

Cornerstone Community Development Corporation Inc.

Board of Directors

Chris Simmons, President

Charles Jones, Vice Chairman

Gerald Davis, Treasurer

Charlotte Runnels, Secretary

Lonnie Mitchell, Board Member

Veronica Williams, Board Member

Carol Mason, Board Member

Donald Wesson, Program Director

Kelin Porter, Housing Coordinator

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit are a food or beverage 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 (five years from the passage of this ordinance). but is eligible for automatic renewal for additional five-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.)

CPC Recommendation/Applicant's Request

4. HOURS OF OPERATION: The food or beverage store may operate Monday through Sunday between the hours of 7:00 a.m. to 10:00 p.m.

Staff recommendation

4. HOURS OF OPERATION: The food or beverage store may operate Monday through Sunday between the hours of 8:00 a.m. to 12:00 a.m.

5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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.

**CPC ACTION
JULY 23, 2020**

Motion: It was moved to recommend **approval** of a Specific Use Permit for a food or beverage store use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions with a modification to the Hours of Operation to 7:00 a.m. to 10:00 p.m., on property zoned FWMU-3 Form Walkable Mixed-Use Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with an SH Shop Front Overlay, on the western corner of South Ervay Street and South Boulevard.

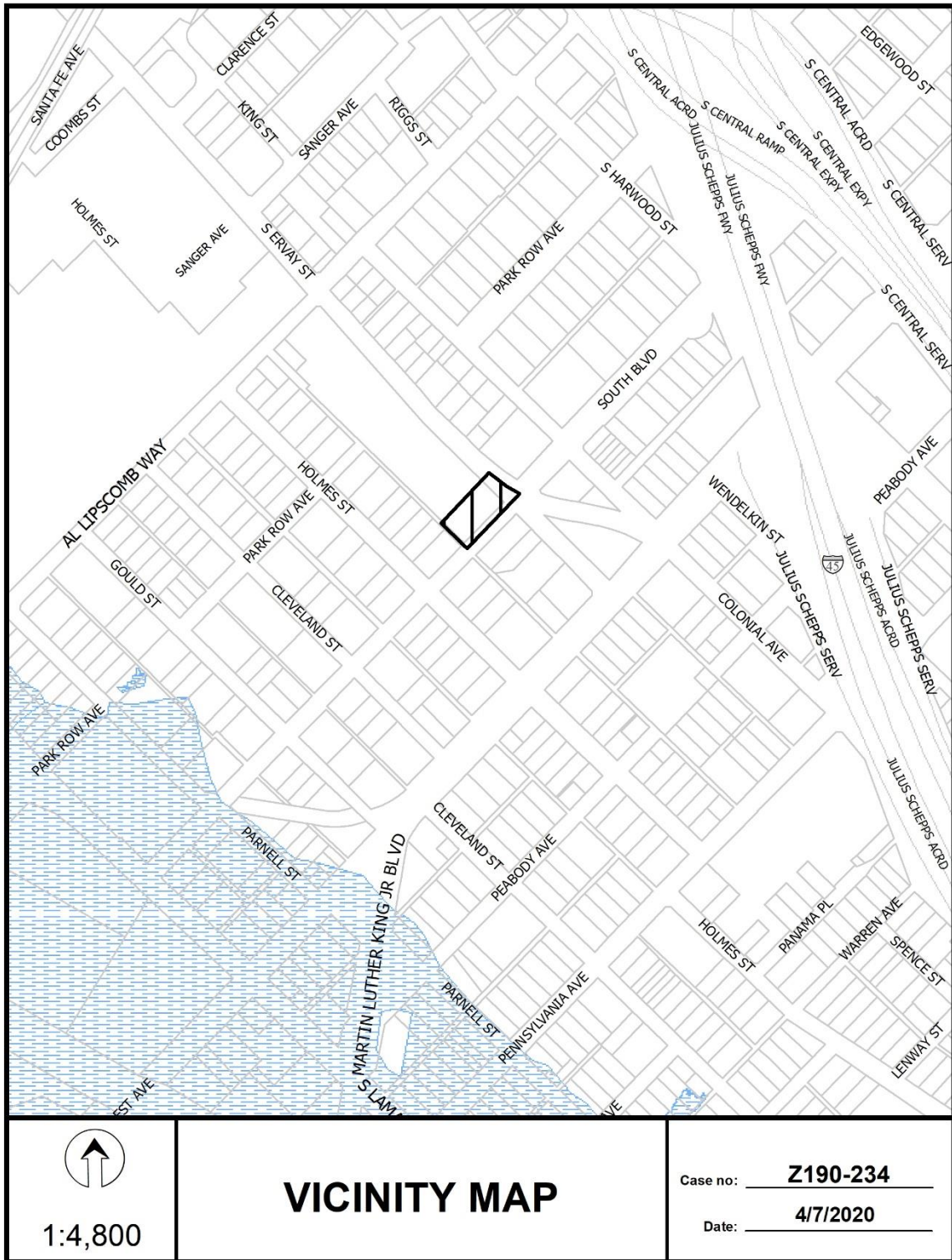
Maker: Schultz
Second: Blair
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Blair, Jung, Schultz,
Schwope, Garcia, Rubin

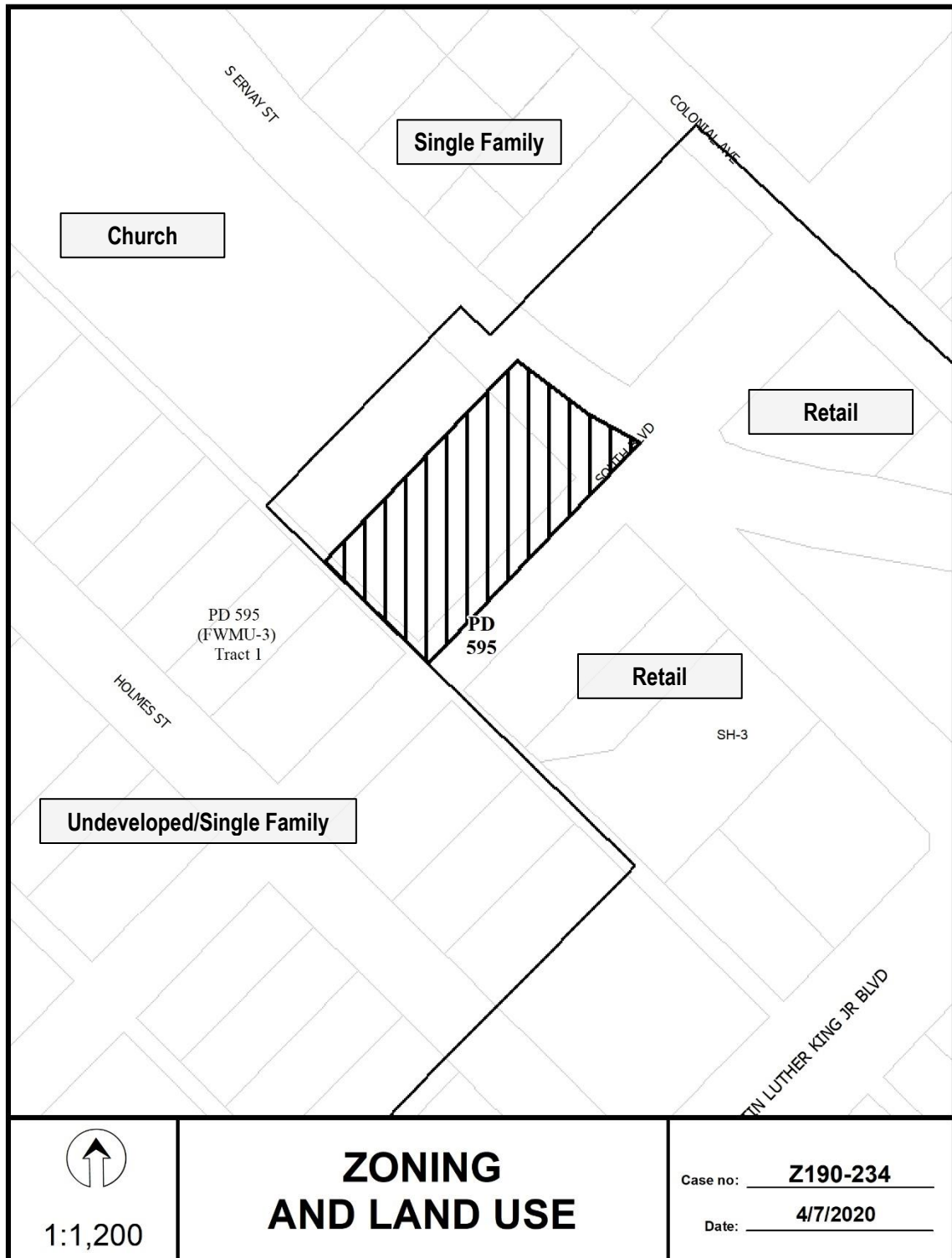
Against: 0
Absent: 2 - Jackson, Murphy
Vacancy: 1 - District 10

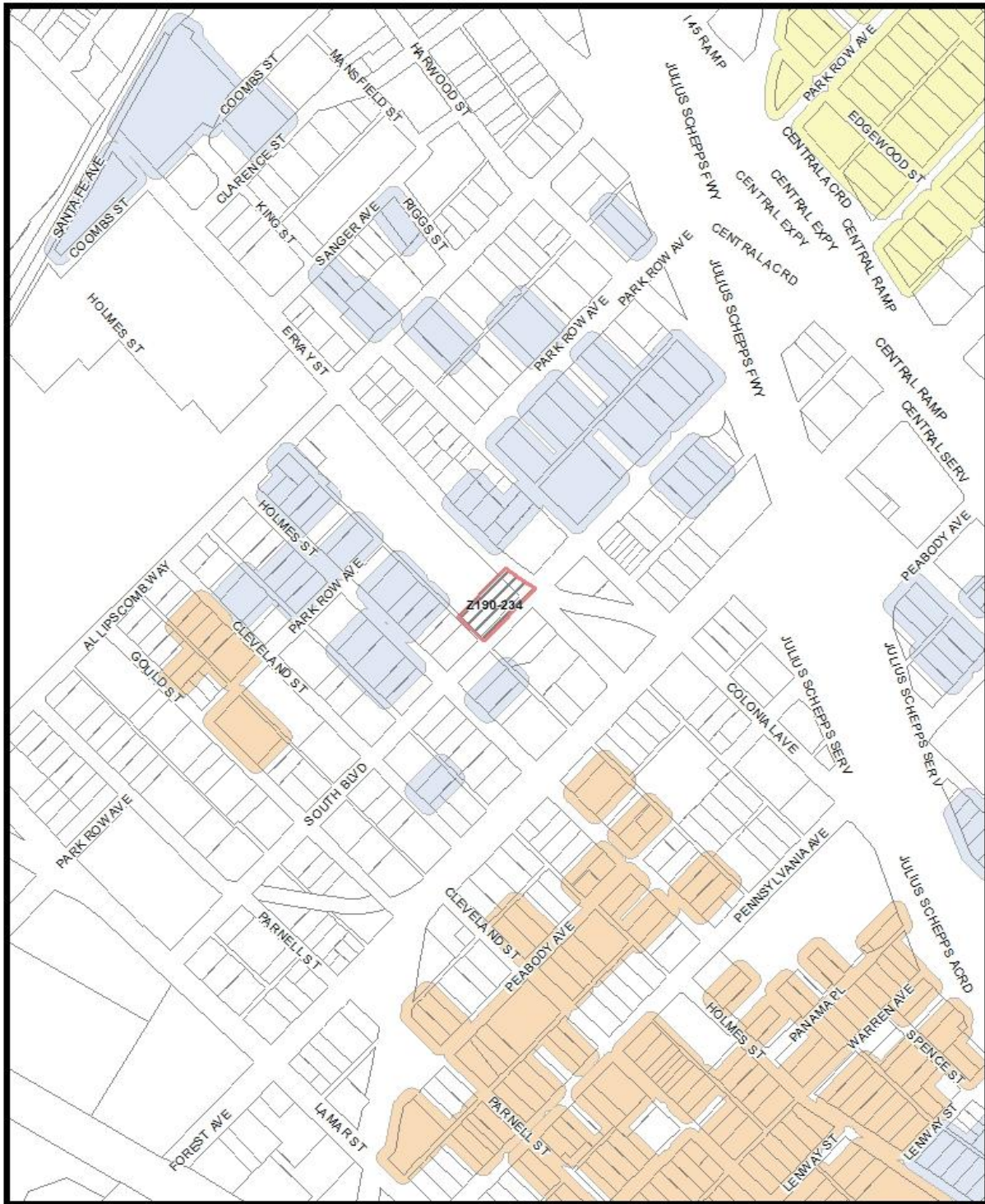
Notices: Area: 200 Mailed: 16
Replies: For: 6 Against: 0

Speakers: For: Benton Payne, 5738 Vanderbilt Ave., Dallas, TX, 75206
Jacob Price, 6021 Mercedes Ave., Dallas, TX, 75206
Kennedy Bower, 3700 McKinney Ave., Dallas, TX, 75204
Beth Groen, 2525 McKinnon St., Dallas, TX, 75201
Matt Ballard, 15505 Earlport Cir., Dallas, TX, 75248
Chris Simmons, 1819 Martin Luther King Jr. Blvd., TX, 75215
Will Winkelmann, 8814 Sanshire Ave., Dallas, TX, 75231
For (Did not speak): Donald Wesson, 3111 Welborn St., Dallas, TX, 75219
Mike Galindo, 3736 Glencoe St., Dallas, TX, 75206
Against: None









Market Value Analysis



1:4,800

Market Value Analysis

Printed Date: 4/7/2020

CPC RESPONSES



07/22/2020

Reply List of Property Owners***Z190-234******16 Property Owners Notified 6 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2839 S ERVAY ST	CORNERSTONE BAPTIST CHURCH OF
O	2	2806 HOLMES ST	ROYAL O APARTMENTS LLC THE
	3	2814 HOLMES ST	DALLAS CITY OF COUNTY OF
O	4	2816 HOLMES ST	CHESTNUT HILL HOLDINGS LLC
	5	2820 HOLMES ST	GERMELK INC
O	6	2828 HOLMES ST	BAKER WILLIAM
O	7	2901 S ERVAY ST	COUNTY LAND & WATER LLC SERIES COM1
	8	2913 S ERVAY ST	RAMBO DERRICK
	9	2815 COLONIAL AVE	BELGIAN AMERICAN INV & TR
	10	2820 S ERVAY ST	BILLS LILLIE
	11	2830 S ERVAY ST	WEATHERALL FAMILY FUNERAL
	12	2904 S ERVAY ST	GROSS JESSE
O	13	2902 HOLMES ST	COUNTY LAND & WATER LLC
	14	2906 HOLMES ST	BLUE WINDOW CAPITAL LLC
	15	2713 S ERVAY ST	CORNERSTONE BAPTIST
	16	2939 S ERVAY ST	FOUR A'S REALTY INC