

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, DECEMBER 9, 2020

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-306(LG) **DATE FILED:** July 14, 2020

LOCATION: West side of Greenville Avenue, south of Sears Street

COUNCIL DISTRICT: 14 **MAPSCO:** 36 X

SIZE OF REQUEST: Approx. 1,475 sq. ft. **CENSUS TRACT:** 10.02

**APPLICANT/
REPRESENTATIVE:** Sammy J. Mandell III

OWNER: 1919-27 Greenville Ltd. (Sammy J. Mandell III, sole officer)

REQUEST: An application for the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in service on property zoned Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay.

SUMMARY: The purpose of this request is to continue to operate an existing restaurant without drive-in or drive-through use past 12:00 a.m. [Greenville Avenue Pizza Company].

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

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

BACKGROUND INFORMATION:

- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore required a Specific Use Permit for any retail and personal service uses operating after 12:00 a.m.
- On September 14, 2011, the City Council approved SUP No. 1905 for a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in service for a two-year period. On December 11, 2013, the City Council approved a renewal of SUP No. 1905 for a three-year period. On October 26, 2016, the City Council approved an amendment and renewal of SUP No. 1905 for a four-year period. Additionally, the applicant received a private license to use a 253 square foot area of the public sidewalk for an uncovered patio area (see attached site plan) during the same time.

Zoning History: There have been two zoning cases in the area over the past five years.

1. Z178-186 On April 25, 2018, the City Council approved a Historic Building Demolition District Overlay for the East Dallas and Oak Lawn Area.
2. Z167-263 On August 28, 2017, staff approved an automatic renewal for Specific Use Permit No. 2044 for a late-hours establishment limited to a restaurant without drive-in service for a two-year period. The SUP expired on August 13, 2019.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Greenville Avenue	Local	50 ft.	50 ft.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

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). It was 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 authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: The request site is located within Modified Delta Overlay No. 1. In general terms, ‘delta theory’ means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The ‘modified delta’, in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three ‘Areas’ in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 which was adopted by the City Council on October 1, 1987.

A City Council resolution (June 14, 1995) provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area and requiring parking for the public dining area (1 space/300

square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

	Zoning	Land Use
Site	PD No. 842 with SUP No. 1905	Restaurant w/out drive-in or drive through service
North	PD No. 842	Restaurant
South	PDD No. 842, SUP No. 1289	Restaurant
East	PD No. 842, Subdistrict 2	Surface parking, Restaurant
West	PD No. 842	Restaurant, surface parking

LAND USE COMPATIBILITY: The request site is located within an existing two-story multi-tenant building. The mix of uses in the existing multi-tenant building consist of various retail and personal service uses.

The request for a renewal of Specific Use Permit No. 1905 will allow the applicant to continue to operate the facility past 12:00 a.m. [the next day] and use the existing outdoor patio. In September 2011, the City Council approved Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in service. This is the third request by the applicant for a renewal of SUP No. 1905. In 2011, the Building Official updated the applicant's certificate of occupancy from a general merchandise or food store 3,500 square feet or less to a restaurant use without drive-in service because the operator added seating.

The request site is surrounded by a mix of office and retail uses. The nearest residential development is approximately 421 feet northeast of the request site, across Greenville Avenue.

The purpose of PD No. 842 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.' As defined in the PD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires a SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PD No. 842 establishes the following criteria for consideration of a SUP for a late-hours establishment:

(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 applicant has a current license from the Texas Alcoholic Beverage Commission and has not had any administrative violations since 2012.

In addition to the regulations of PD No. 842, the Dallas Development Code establishes general criteria for any use requiring a SUP:

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

The use is compatible with the surrounding commercial and entertainment uses and should not negatively impact the area from a land use perspective. The applicant is in compliance with the existing approved conditions and there are no changes to the site plan. There are several Specific Use Permits that have been approved for late-hours establishments limited to a restaurant without drive-in service along the Greenville Corridor.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PD No. 842	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: The request site will not trigger any landscaping that will comply with Article X. The existing development is not increasing any floor area or impervious surface.

Parking: Since 2011, the request site has been operating as a restaurant without a drive-in or drive through use. The existing restaurant requires and provides 15 off-street parking spaces.

Dallas Police Department: The following charts list the number of citations the request site occurred during the last four years based on the criteria in PD No. 842 for a late hour establishment.

ID	Master_Incident_Number	Response_Date	Response_Time	Jurisdiction	Problem	Location_Name	Address
36290135	19-2121266	11/9/2019	9:28:00 PM	Dallas Police	21B - Business Hold Up	GREENVILLE AVE PIZZA CO.	1923 Greenville Ave
38236377	20-1208138	7/5/2020	1:02:00 AM	Dallas Police	40 - Other	GREENVILLE AVE PIZZA CO	1923 Greenville Ave
38561359	20-1464686	8/13/2020	11:35:00 PM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE PIZZA COMP	1923 Greenville Ave
38561359	20-1464686	8/13/2020	11:35:00 PM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE PIZZA COMP	1923 Greenville Ave
38489760	20-1407948	8/5/2020	11:50:00 AM	Dallas Police	29 - Open Building	GREENVILLE PIZZA BUSN	1923 Greenville Ave
35855918	19-1781272	9/21/2019	4:50:00 AM	Dallas Police	7X - Major Accident	GREENVILLE AVENUE PIZZA	1923 Greenville Ave
35855918	19-1781272	9/21/2019	4:50:00 AM	Dallas Police	7X - Major Accident	GREENVILLE AVENUE PIZZA	1923 Greenville Ave
34551203	19-0760363	4/30/2019	12:51:00 AM	Dallas Police	40/01 - Other	greenville avenue pizza company	1923 Greenville Ave
35235431	19-1293706	7/13/2019	2:18:00 AM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE AVE PIZZA CO	1923 Greenville Ave
37519797	20-0635115	4/8/2020	3:58:00 AM	Dallas Police	32 - Suspicious Person	greenville avenue pizza company	1923 Greenville Ave
35420307	19-1438958	8/3/2019	2:30:00 AM	Dallas Police	40 - Other	greenville ave pizza co	1923 Greenville Ave
34997872	19-1106539	6/17/2019	4:22:00 AM	Dallas Police	32 - Suspicious Person	GREENVILLE AVE PIZZA CO	1923 Greenville Ave
32877802	18-1820028	10/5/2018	6:44:00 PM	Dallas Police	40 - Other	GREENVILLE AVE PIZZA	1923 Greenville Ave
34063120	19-0378045	3/4/2019	2:28:00 AM	Dallas Police	40 - Other	GREENVILLE AVE PIZZA	1923 Greenville Ave
30626629	18-0070461	1/12/2018	2:19:00 AM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE; PIZZA COMPANY	1923 Greenville Ave
32929845	18-1860247	10/11/2018	7:13:00 PM	Dallas Police	40 - Other	GREENVILLE AVE PIZZA CO.	1923 Greenville Ave
33314045	18-2159546	11/29/2018	2:48:00 AM	Dallas Police	6XA - Major Dist Ambulance	GREENVILLE AVE PIZZA	1923 Greenville Ave
36078967	19-1956511	10/16/2019	7:25:00 AM	Dallas Police	12B - Business Alarm	GREENVILLE AVE PIZZA	1923 Greenville Ave
36245866	19-2086375	11/4/2019	5:09:00 PM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE AVE PIZZA	1923 Greenville Ave
36567399	19-2340026	12/13/2019	2:20:00 AM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE AVE PIZZA	1923 Greenville Ave
36567490	19-2340094	12/13/2019	2:42:00 AM	Dallas Police	6X - Major Dist (Violence)	GREENVILLE AVE PIZZA	1923 Greenville Ave
37998703	20-1019867	6/6/2020	9:27:00 PM	Dallas Police	6X - Major Dist (Violence)	Greenville Avenue Pizza Compan	1923 Greenville Ave
32487108	18-1517281	8/20/2018	12:10:00 PM	Dallas Police	31 - Criminal Mischief	GREENVILLE AVE PIZZA CO	1923 Greenville Ave

IncidentNum	ServNumID	OffIncident	Premise	ObjAttack	Address	Apt#	Date1	Time1
810437-2020	810437-2020-01	THEFT OF PROP > OR EQUAL \$750 <\$2,500 (NOT SHOPLIFT) PC31.03(e3)	Restaurant/Food Service/TABC Location		1923 GREENVILLE AVE		8/28/2020	11:15:00 PM

IncidentNum	ArrestNumber	ArArrestDate	ArArrestTime	ArLAddress	ArLZip	NIBRS_Crime	ChargeDesc
005260-2018	18-000817	1/8/2018	1:35:00 AM	1923 GREENVILLE AVE	75206	PUBLIC INTOXICATION	PUBLIC INTOXICATION
177952-2018	18-028756	8/12/2018	8:00:00 PM	1923 GREENVILLE AVE	75206	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
228790-2019	20-007089	2/28/2020	1:57:00 AM	1923 GREENVILLE AVE	75206	WARRANT DALLAS PD (ASSAULT - FV)	WARRANT DALLAS PD (ASSAULT - FV)

There was a total of 21 calls, one offense, and three arrests.

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. Although the existing site is uncategorized, there are properties surrounding the entire site that are in Category "C." There are properties in Categories "C" and "D" located further southwest of the site.

CPC ACTION
October 15, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in service for a five-year period, subject to conditions on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the west side of Greenville Avenue, south of Sears Street.

Maker: Garcia
Second: Rubin
Result: Carried: 12 to 2

For: 12 - MacGregor, Stinson, Johnson, Shidid,
Carpenter, Jackson, Blair, Myers, Schwope,
Murphy, Garcia, Rubin

Against: 2 - Hampton, Jung
Absent: 0
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 19
Replies: For: 7 Against: 0

Speakers: For: Sammy Mandell, 8646 Daytonia Ave., Dallas, TX, 75218
Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a 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.

CPC Recommendation:

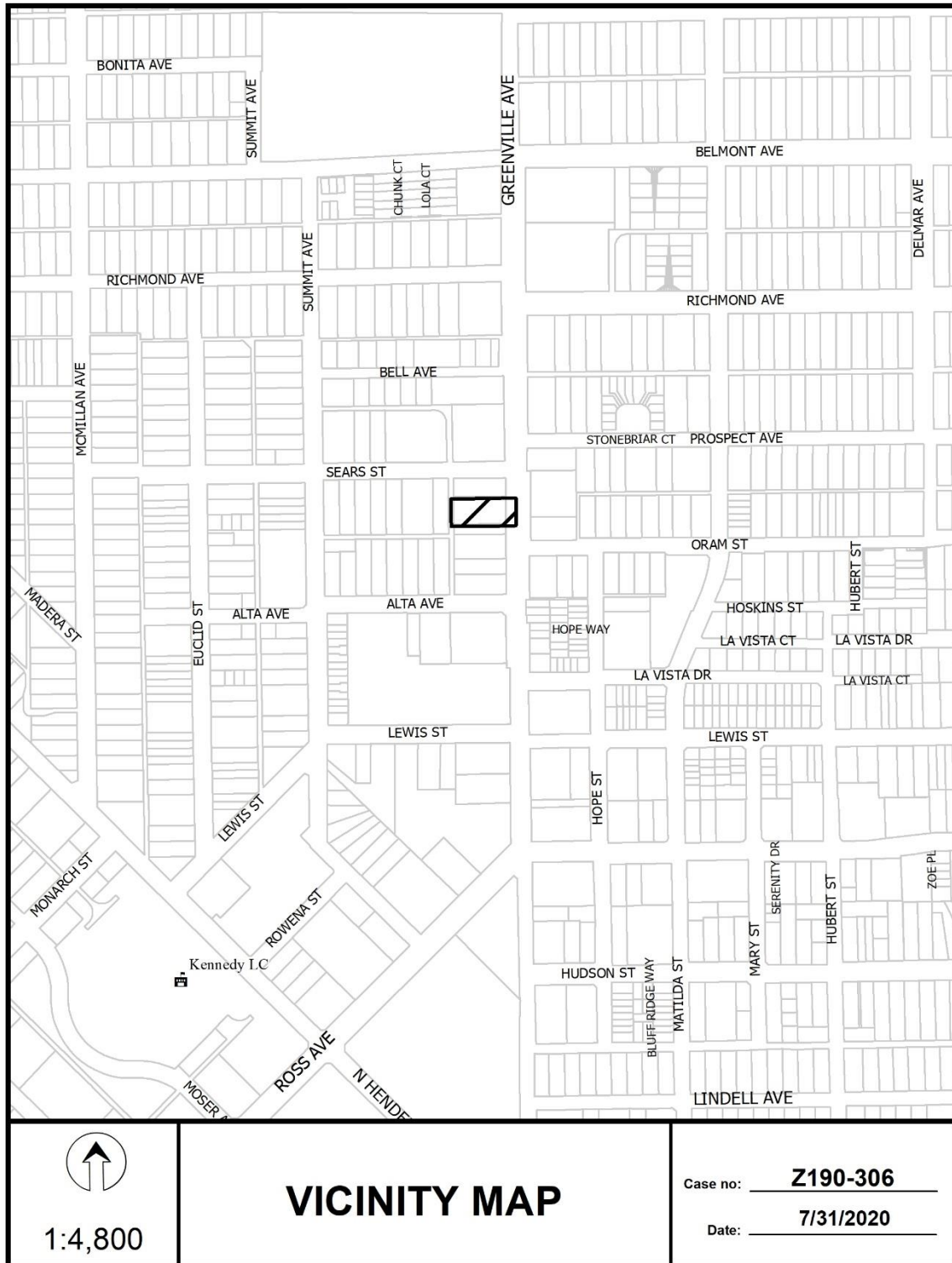
3. TIME LIMIT: This specific use permit expires on [~~October 26, 2020~~], (five-year period from the passage of this ordinance).

Staff Recommendation:

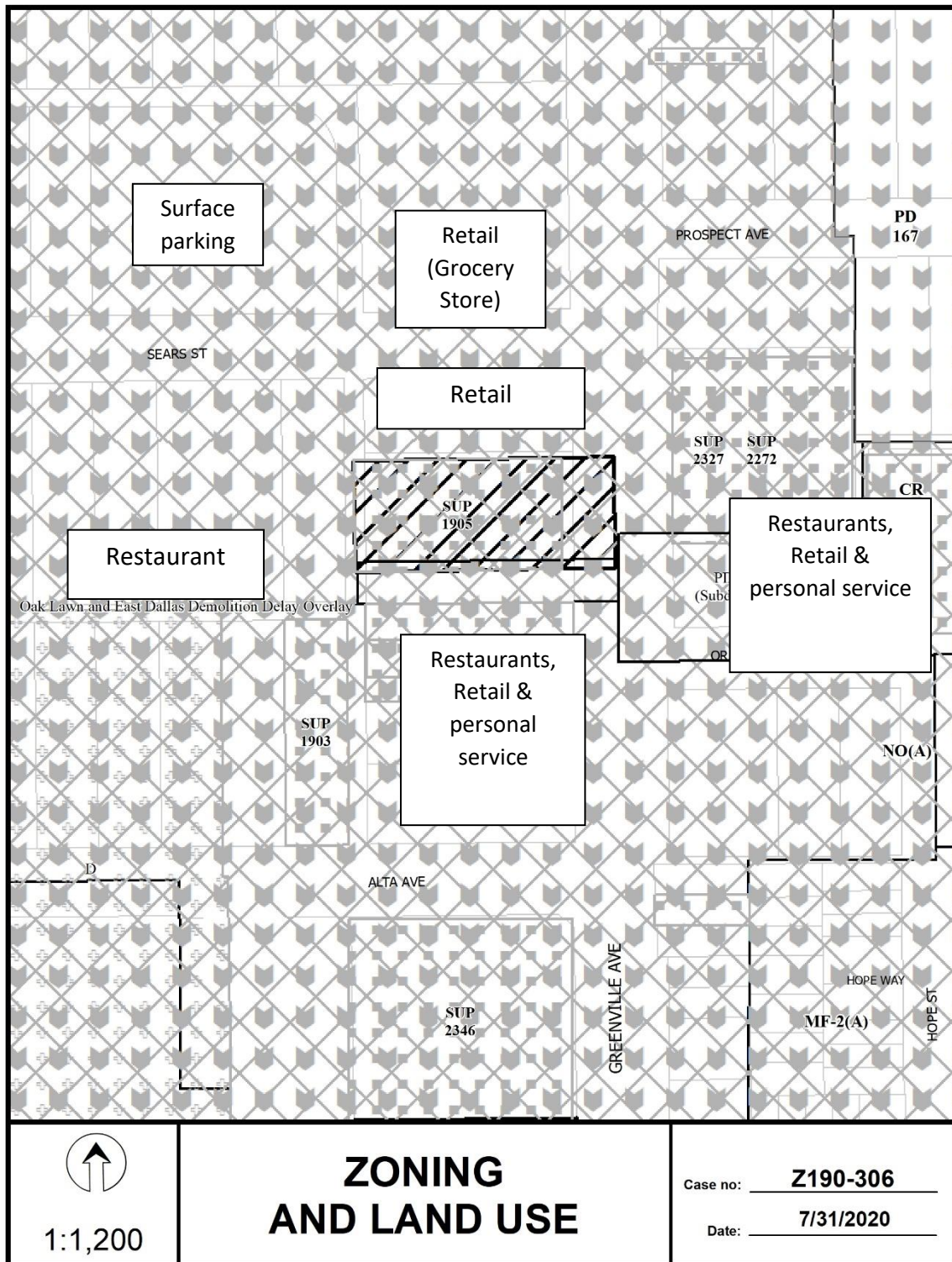
3. TIME LIMIT: This specific use permit expires on [~~October 26, 2020~~], (four-year period from the passage of this ordinance).

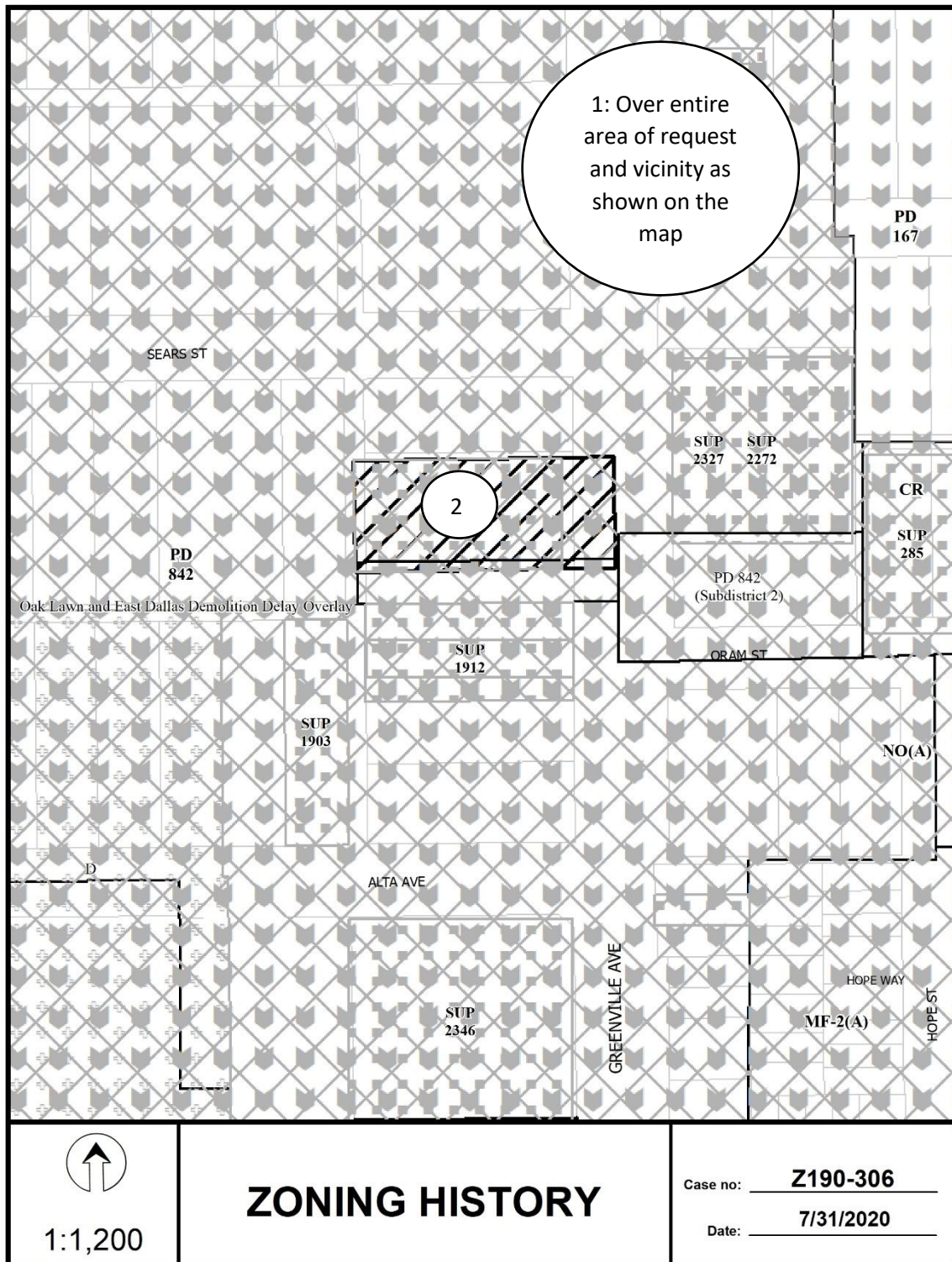
4. FLOOR AREA:
 - A. The maximum floor area is 1,475 square feet.
 - B. The maximum outdoor patio area is 253 square feet in the location shown on the attached site plan.
 - C. The patio must be uncovered.
5. HOURS OF OPERATION: The late-hours establishment may only operate between 12:00 a.m. (midnight) and 3:00 a.m., Tuesday, Wednesday, Thursday, and Sunday, and between 12:00 am. (midnight) and 4:00 a.m., Friday and Saturday.
6. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited between 12:00 a.m. and 4:00 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.

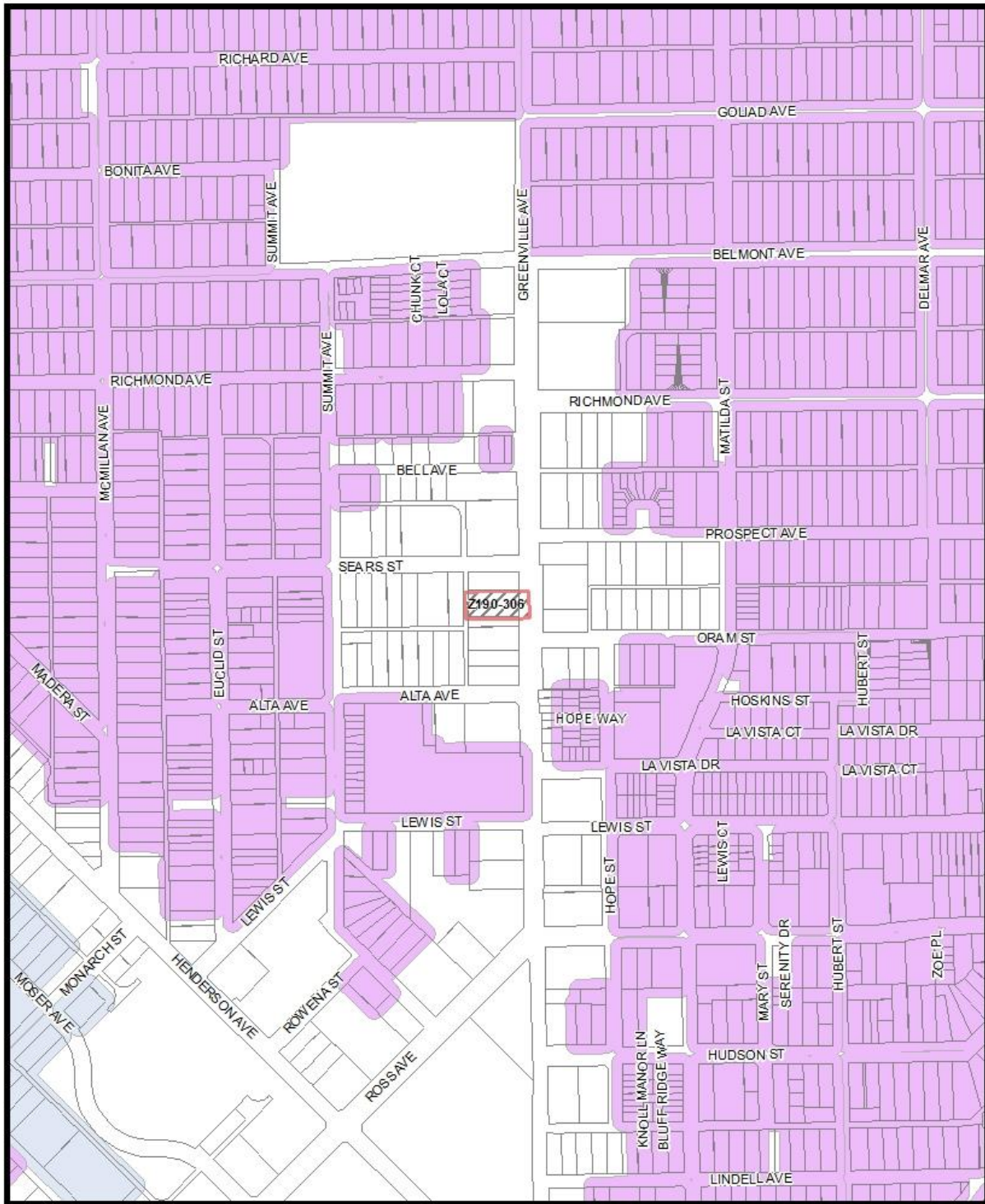












Market Value Analysis



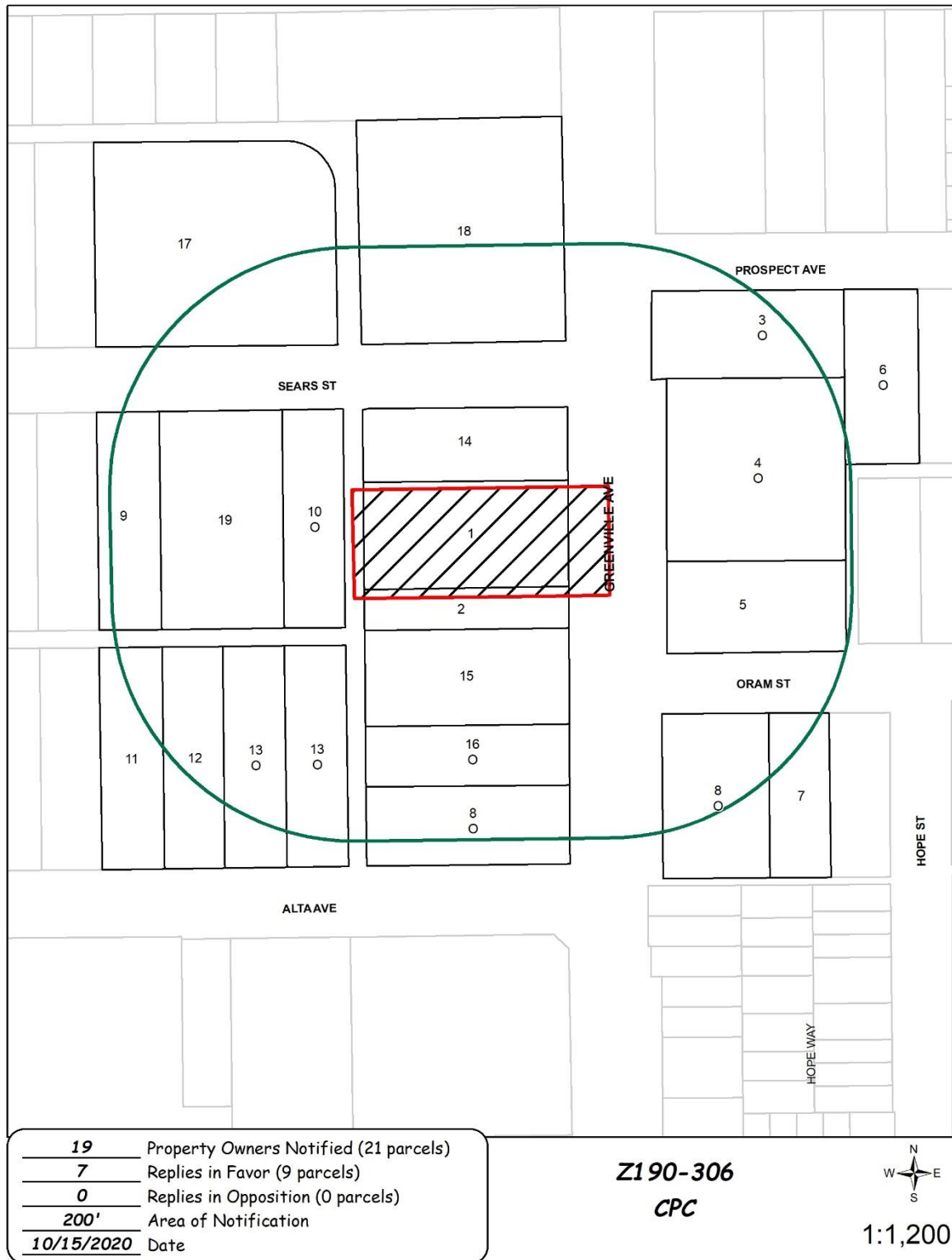
1:4,800

Market Value Analysis

Printed Date: 7/31/2020

A
 B
 C
 D
 E
 F
 G
 H
 I
 NA

CPC RESPONSES



10/14/2020

Reply List of Property Owners***Z190-306******19 Property Owners Notified******7 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
	2	1917 GREENVILLE AVE	SEB GROUP LLC
O	3	2026 GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
O	4	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	5	2000 GREENVILLE AVE	LANDE PAUL &
O	6	5716 PROSPECT AVE	ANDRES FAMILY TRUST
	7	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
O	8	1928 GREENVILLE AVE	LOWGREEN PS
	9	5618 SEARS ST	GREENVILLE HOLDINGS CO
O	10	5628 SEARS ST	ANDRES FAMILY TRUSTS
	11	5619 ALTA AVE	THACKER RICHARD E JR
	12	5623 ALTA AVE	GREENWAYSEARS LP
O	13	5627 ALTA AVE	LOWGREEN PS LTD
	14	1931 GREENVILLE AVE	GREENWAY SEARS LP
	15	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
O	16	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	17	5623 SEARS ST	2001 GREENVILLE VENTURE LTD
	18	2001 GREENVILLE AVE	2001 GREENVILLE VENTURE LTD
	19	5622 SEARS ST	5624 SEARS STREET LTD